

# **2007 Technical Code**

## **City of Birmingham Alabama**



**Aug21mmf.01**

**Recommended by: Mayor Bernard Kincaid**

**Submitted by: City Attorney Tamara Harris Johnson**

**ORDINANCE NO. 07-151**

**AN ORDINANCE TO ADOPT THE TECHNICAL CODES  
OF THE CITY OF BIRMINGHAM, ALABAMA**

**WHEREAS**, on the 3rd day of July, 2007 at a regular meeting of the Council of the City of Birmingham, Alabama, the following resolution was adopted

**RESOLUTION NO. 1130-07**

**BE IT RESOLVED** by the Council of the City of Birmingham, as follows:

**Section 1.** That the Council of the City of Birmingham consider the adoption of the Technical Codes, which shall encompass the 2003 International Building, Plumbing, Fuel Gas, Mechanical, Fire, Existing Building, and Residential Codes, and the NEC 2005 Electrical Code and NFPA 2003 Life Safety Code, by ordinances authorized by Section 3.17 of Act No. 452 of the 1955 Regular Session of the Legislature of Alabama (Acts 1955, page 1004, et. seq.) and Section 11-45-8, Code of Alabama, 1975, and will hold a public hearing thereon at the regular meeting of the Council to be held in the Council Chambers in the City Hall in Birmingham, Alabama on the 21st day of August, 2007 at 9:30 a.m.. Said Code shall be known as the "Technical Codes of the City of Birmingham, 2007."

**Section 2.** That three (3) copies of the proposed "Technical Codes of the City of Birmingham, 2007" shall be filed in the office of the City Clerk of the City of Birmingham for the use and examination by the public during the regular business hours from the 5th day of July, 2007 until 9:30 a.m. on the 20<sup>th</sup> day of August, 2007.

**Section 3.** That the City Clerk of the City of Birmingham, Alabama, be and he is hereby authorized, empowered, and directed to cause fifteen (15) days notice to be given of the time, place, and purpose of the public hearing provided for in Section 1. of this resolution, by publication of such notice, once a week for two successive weeks in the Birmingham News, a newspaper of general circulation in the City of Birmingham, Alabama, which notice shall be in words and figures as follows:

Notice of proposal by the Council of the City of Birmingham to adopt Technical Codes for the City of Birmingham, Alabama, by ordinance, and of a public hearing thereon. Notice is hereby given that the Council of the City of Birmingham proposes to

consider the adoption of the Technical Codes of the City of Birmingham which shall encompass Building, Plumbing, Gas, Electrical, Mechanical, Fire, International Existing Building Code and International Residential Building Code, to be known as the "Technical Codes of the City of Birmingham, 2007," by ordinance and that a public hearing thereon to be held at a regular meeting of the Council of Birmingham, in the City Hall in Birmingham, Alabama, at 9:30 a.m. on the 21st day of August, 2007. Three (3) copies of the proposed "Technical Codes of the City of Birmingham, 2007" will be on file in the office of the City Clerk of the City of Birmingham, Alabama for use and examination by the public, from the 5th day of July, 2007 until 9:30 a.m. on the 20<sup>th</sup> day of August, 2007.

and,

**WHEREAS**, the Council of the City of Birmingham now finds that all the provisions of said resolution have been complied with:

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Birmingham as follows:

**Section 1.** That the "Technical Codes of the City of Birmingham, 2007" consisting of "International Building Code, International Plumbing Code, International Gas Code International Mechanical Code, International Existing Building Code, International residential Code and International Fire Code, 2003 Editions" published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401; and certain sections of the "NFPA 101, Life Safety Code, 2003 Edition" as listed in article II and article IV; the NFPA Tentative Interim Amendments TIA 03-1, TIA 03-2, TIA 03-4, and the "National Electrical Code, 2005 Edition" published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269; .all inclusive is before this Council and has been on file in the Office of the City Clerk of the City of Birmingham, Alabama pursuant to resolution adopted by the Council of the City of Birmingham, on the 25<sup>th</sup> day of October, 2005 and set forth in the preambles of this ordinance, and hereby adopted as the "Technical Codes of the City of Birmingham, 2005" and shall be effective and operative as such on and after the 1<sup>st</sup> day of December, 2005, and on and after said date shall be binding within the corporate limits of the City of Birmingham.

**Section 2.** That immediately after the adoption of this ordinance and in the presence of this Council at this meeting, the City clerk shall further identify the said "Technical Codes of the City of Birmingham, 2007" referred to in Section 1. hereof which is before this Council by appending thereto and signing a certificate in form substantially as follows: "I, Paula Smith, City Clerk, hereby certify that the " International Building Code, International Plumbing Code, International Gas Code, and the International Mechanical Code, International Fire Code, International Existing Building Code and International Residential Code 2003 Editions" published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401; and certain

sections of the "NFPA 101, Life Safety Code, 2003 Edition" as listed in article II and article IV; the NFPA Tentative Interim Amendments TIA 03-1, TIA 03-2, TIA 03-4, and the "National Electrical Code, 2005 Edition" published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 022694-73 all inclusive to which this certificate is appended is the document referred to in Section 1. of Ordinance No. 05-220 adopted by the Council of the City of Birmingham at a regular meeting thereof held on this the 15<sup>th</sup> Day of November, 2005 and that I have signed this certificate in the presence of said Council at said regular meeting on said date. Paula Smith, City Clerk." The City Clerk shall carefully preserve this ordinance and said document adopted by Section 1. hereof as the "Technical Codes of the City of Birmingham, 2007" as a part of the permanent records of his office.

**Section 3.** That the Technical Code of the City of Birmingham, 2005 adopted by Ordinance No. 05-220, of the City of Birmingham on the 14th day of November, 2005, be and the same hereby are repealed as of the date upon which "The Technical Codes of the City of Birmingham, 2007," adopted by Section 1 of this ordinance, becomes effective in the City of Birmingham as provided by Section 1; provided however, that neither any cause of action nor fine, forfeiture, judgment, penalty, right, remedy or defense accrued at said date, nor any prosecution or complaint pending at said date shall be in any manner released, affected, abated, or impaired by this ordinance or by the Code adopted by this ordinance.

**Section 4.** That it be, and hereby is, proclaimed that the Code adopted by Section 1. hereof is on file with the City Clerk of the City of Birmingham, where the same may be inspected by the public, and that this proclamation and said Code shall be made public by publication of this proclamation as part of the publication of this ordinance as ordered by Section 5 hereof.

**Section 5.** That prior to the date specified in Section 1. hereof at least fifteen (15) copies of this ordinance and of the Code adopted by Section 1. of this ordinance shall be prepared and made available to the general public at the office of the Director of the Department of Planning, Engineering and Permits of the City of Birmingham, or such other department of the City as may be assigned by ordinance of the City Council the duty of enforcing this Code, provided that said Director may charge therefore at a rate not exceeding the cost per volume to the City. Each bound volume purporting in print to contain Ordinance No. 07-151 and the "Technical Codes of the City of Birmingham, 2007," and to have been published by authority of this Council, shall be received as prima facie evidence as provided by Section 12-21-95, Code of Alabama 1975, and may be used by courts as an aid to judicial knowledge under Act No. 193 of the 1943 Session of the Legislature of Alabama.

**Section 6.** That the City Clerk shall cause a true copy of this ordinance to be promptly published in a newspaper published and of general circulation in the City of Birmingham and shall carefully preserve in his office a thus published copy of said ordinance as part of the permanent records of her office.

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**CITY OF BIRMINGHAM**  
**Technical Codes**  
**2007 Edition**

**ARTICLE I**

**PART 1**

**(a) Building** The provisions of the International Building Code 2003 Edition published by International Code Council as amended in Article II shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures.

**Exceptions:**

1. Detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *International Residential Code*.
2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the *International Existing Building Code*.

**(b) Residential Construction** The provisions of the International Residential Building Code 2003 Edition published by International Code Council shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

**Exception:**

1. References to the ICC Electrical Code contained in the International Residential Code or the International Building Code shall not apply to residential construction.

**(c ) Existing Building** The provisions of the International Existing Building Code 2003 Edition published by International Code Council shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of existing buildings or structures.

**Exceptions:**

1. The seismic provisions in the ICC Existing Building code shall not apply to an existing building or structures.
2. Any reference to the ICC Electrical provisions in the Existing Building Code or the International Building Code shall not apply to existing buildings being renovated under the provisions of the Existing Building Code.

**(d) Plumbing** The provisions of the International Plumbing Code 2003 Edition published by International Code Council shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances within the City.

**(e) Gas** The provisions of the International Fuel Gas Code 2003 Edition published by International Code Council shall apply to all gas piping installations on the consumer's premises from the outlet side of the utility company meter to the most remote point of use or outlet, including all alterations, repairs, equipment, appliances, ranges, fixtures, fittings and appurtenances thereto within the City of Birmingham when connected to a gas distribution system except residential gas ranges, gas lights and outside gas fired grills. These requirements are intended to cover the design, fabrication, installation, test and operation of such systems for fuel gases as natural gas, manufactured gas, undiluted liquefied petroleum gases, liquefied petroleum gas-air or mixtures thereof. Special requirements for liquefied petroleum gases are set forth in Chapter IX and Part Two. They are not intended to cover systems or portions of systems supplying only equipment engineered, designed and installed for specific manufacturing production processing and power generating applications such as large and high pressure boilers, melting and treating furnaces, production ovens, etc., or for public utility piping and gas distribution and transmission systems on the inlet side of utility company meters or in gas compressing stations and in gas processing plants. The applicability of installation requirements of this Code shall be determined by the Building Official and the said Building Official may require such systems to be designed by a licensed professional engineer.

**(f) Electrical** The provisions of the National Electrical Code 2005 Edition published by National Fire Protection Association and shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**Exception:**

1. References to the ICC Electrical Code contained in the International Codes are deleted.

**(g) Mechanical** The provisions of the International Mechanical Code 2003 edition published by International Code Council shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

**(h) Fire** The provisions of the International Fire Code, 2003 edition, published by the International Code Council and amended in Article I and IV herein shall apply to all buildings, structures, vehicles, premises, conditions, the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures. The specific provisions of the NFPA 101-Life Safety Code, 2003 Edition, and the NFPA Tentative Interim Amendments TIA 03-1, TIA 03-2, TIA 03-4, published by the National Fire Protection Association and amended in Article IV herein shall apply to the specific occupancies where they occur in any building, structure, vehicle, premise, conditions, the construction, alteration, repair, equipment, specified use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures.

## **PART TWO**

Chapters 1 of the 2003 editions of International Building, Plumbing, Fuel Gas, Fire, Existing Building, Residential and Mechanical Codes, are hereby deleted and the following Chapter 1 is substituted thereof, with the exception of the International Fire Code, Chapter 1 which is amended hereof and in Article IV:

### **CHAPTER 1 ADMINISTRATION**

#### **101 TITLE AND SCOPE**

##### **101.1 Title**

The provisions of the following Articles, Chapters and Sections shall constitute, be known, and be cited as "The City of Birmingham Technical Codes 2005 hereinafter known as "this Code".

**101.1.1 Purpose.** The purpose of this Chapter is to provide for the administration and enforcement of the International Building, Fuel Gas, Mechanical, Fire, Plumbing, Residential, Existing Building Codes, and the National Electrical Codes.



## **101.2 Code Remedial**

**101.2.1 General.** This Code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire, explosions and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, elevator, fire protection, mechanical, and plumbing systems, which may be referred to as service systems.

**101.2.2 Quality Control.** Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein.

**101.2.3 Permitting and Inspection.** The inspection or permitting of any building, system or plan by any jurisdiction, under the requirements of this Code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. No jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

## **101.3 Scope**

**101.3.1 Federal and State Authority.** The provisions of this Code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this Code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

**101.3.2 Appendices.** To be enforceable, the appendices included in this Code must be referenced in the Code text or specifically included in Articles II through IV herein.

**101.3.3 Referenced Standards.** Standards referenced of this Code shall be considered an integral part of the Code without separate adoption. If specific portions of a standard are denoted by Code text, only those portions of the standard shall be enforced. Where Code provisions conflict with a standard the Code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

**101.3.4 Maintenance.** All buildings, structures, electrical, gas, fire protection, elevator, escalator, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the

maintenance of buildings, structures, fire protection, elevator, escalator, electrical, gas, mechanical and plumbing systems.

**EXCEPTION:** Requirements of this Code which are specifically applicable to carbon monoxide poisoning associated with unvented gas fired room heaters shall not apply to room heaters preempted under the Consumer Product Safety Act (CPSA: 15 U.S.C. 2075); Section 26(a).

**101.3.5 Plumbing Installation or Maintenance by Home Owner.** Nothing in this Code shall prevent any qualified owner of single family home from installing or maintaining plumbing within his own property boundaries, provided such plumbing work is done by himself and is used exclusively by him and his family and, also, provided that such plumbing work does not necessitate repair, alteration or direct connection to soil, waste, or drain lines on the outlet side of a trap. The Building Official shall examine and pass upon the qualifications of every person who may apply for a homeowner permit to install certain plumbing in his own home which he occupies a single family dwelling. This examination shall cover only such subjects as pertain to the proper design and installation of water service and water distribution systems, the design and installation of backflow protective devices, storm drainage piping, indirect waste piping, safety devices, water pressure regulators, appliances, fixtures, materials, methods of installation and appurtenances relative to any of the above. Such privilege does not convey the right to violate any of the provisions of this Code, or the terms of any state statute or any other applicable ordinance of the City of Birmingham, nor is it to be construed as exempting any such property owner from obtaining a permit with the applicable inspections and paying the required fees therefore.

**101.3.6 Conflict of codes and standards.** The International Codes shall be the primary construction code with sections herein listed from the NFPA 101- Life Safety Code, 2003 ed. being used in conjunction with the ICC family of codes. .

a) Any building or portion thereof used for less than 24 hours per day where occupants (regardless of age) requiring care, maintenance, and supervision by other than their relatives shall be defined as a Day Care Occupancy. Day-care occupancy provisions of Life Safety 2003, Chapter 16 and 17 shall apply for all new and existing occupancies. Location and construction type limitation requirements for Day-care occupancies, shall meet the appropriate regulations as set forth by the 2003 International Building Code. Those classifications listed in the 2003 International Building Code that are not addressed in the 2003 Life Safety Code will also be added as Sub-classifications.

Exception: This would not include occupancies that are a part of the health care classification or places of worship during religious functions.

b) That the Operating Features, for all Occupancy Classifications, as detailed in NFPA 101- Life Safety Code, be accepted as code and enforced for all new and existing occupancies.

c) Both the International Codes and NFPA 101- Life Safety Code requirements shall be enforced for new and existing Educational and Daycare Occupancies. Where discrepancies occur between the codes, the most restrictive shall apply.

d) The following listed NFPA Tentative Interim Amendments to NFPA 101- Life Safety Code, 2003 Edition, shall be used in their entirety for occupancies as referenced: TIA 03-1; TIA 03-2; TIA 03-4.

#### **101.4 Building Official**

The Building Official shall be appointed by the Mayor of the City of Birmingham and shall have all of the authority and carry out all of the duties of the Building Official under this Code.

**101.4.1 Deputy.** The Building Official may designate as his deputy an employee in the Department of Planning, Engineering and Permits, which may be assigned by the Director the duty of enforcing this Code, who shall, during the absence or disability of the Building Official, exercise all the powers of the Building Official.

**101.4.2 Inspector Qualifications.** The Building Official, with the approval of the Director of the Department of Planning, Engineering and Permits, may appoint or hire such number of officers, inspectors, assistants and other employees as shall be authorized from time to time subject to the rules and regulations of the Personnel Board of Jefferson County, Alabama. A person shall not be appointed or hired as Inspector who has not had at least 3 years experience as a building inspector, engineer, architect, or as a superintendent, foreman or competent mechanic in charge of construction.

**101.4.3 Restrictions on Employees.** An officer or employee connected with the Department of Planning, Engineering and Permits except one whose only connection is as a member of the Construction Board of Adjustment and Appeals established by this Code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interests of the Department of Planning, Engineering and Permits, or such other department which may be assigned by ordinance of the City Council the duty of enforcing this Code. Any secondary employment shall be approved by the Appointing Authority.

**101.4.4 Records.** The Building Official shall keep, or cause to be kept, a record of the business of the Department of Planning, Engineering and Permits, or such other department or division of a department which may be assigned by ordinance of the City Council the duty of enforcing this Code. The records of such department or division shall be open to public inspection as permitted by law.

**101.4.5 Liability.** Any officer or employee, or member of the Board of Adjustments and Appeals, charged with the enforcement of this Code, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this Code shall be indemnified and have representation provided on their behalf as provided be section 2-4-11 of the General City Code of Birmingham, 1980.

This code shall not be construed as imposing upon the city any liability or responsibility for damages to any person or property caused by any defect in any electrical installation or equipment mentioned herein or by installation thereof, nor shall the City of Birmingham or any officer, inspector, assistant or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued the inspector.

**101.4.6 Reports.** The Building Official shall submit annually a report covering the work of the Department of Planning, Engineering and Permits, or such other department or division of a department which may be assigned by ordinance of the City Council the duty of enforcing this Code, during the preceding year. The Building Official may incorporate in said report a summary of the decisions of the Board of Adjustments and Appeals during said year.

### **101.5 Fire Official**

The Fire Chief of the Birmingham Fire and Rescue Service Department or his designee shall be known as the Fire Official and shall have all of the authority and carry out all of the duties of the Fire Official under this Code.

**101.5.1** Fire Prevention Division is hereby established a division within the Fire and Rescue Service Department to be known as the Fire Prevention Division. This division shall operate under the direction of the Fire Chief, through the designated Fire Marshal, and shall assist in the performance of the duties as Fire Official. The function of this Division shall be the implementation, administration and enforcement of the provisions of this code. This division may also perform other duties as assigned by the Fire Chief.

**101.5.2 Inspector Qualifications.** The Fire Marshal, with the approval of the Fire Chief of the Birmingham Fire and Rescue Service Department may appoint or hire such number of officers, inspectors, assistants and other employees as shall be authorized from time to time subject to the rules and regulations of the Personnel Board of Jefferson County, Alabama.

**101.5.3 Records.** The fire code official shall keep official records as required by the following sub sections. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

**Approvals.** A record of approvals shall be maintained by the fire code official and shall be available for public inspection during business hours in accordance with applicable laws.

**Inspections.** The fire code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

**Fire records.** The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

Administrative. Application for modification, alternative methods or materials and the final decision of the fire code official shall be in writing and shall be officially recorded in the permanent records of the fire code official.

101.5.4 Liability. Any officer or employee, charged with the enforcement of this Code, acting for the applicable governing authority in the discharge of his or her duties, shall not thereby render their selves personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit brought against any officer or employee because of such act performed by him or her in the enforcement of any provision of this Code shall be indemnified and have representation provided on their behalf as provided be section 2-4-11 of the General City Code of Birmingham, 1980.

## **101.6 Existing Buildings**

**101.6.1 General.** Alterations, repairs or rehabilitation work may be made to any existing structure, building, fire protection, elevator, escalator, electrical, gas, mechanical or plumbing system without requiring the building, elevator, escalator, structure, plumbing, electrical, mechanical, fire protection or gas system to comply with all the requirements of this Code provided that the alteration, repair or rehabilitation work conforms to the requirements of this Code for new construction. The Building Official and Fire Official shall determine the extent to which the existing system shall be made to conform to the requirements of this Code for new construction. Existing buildings, built before the adoption of this code, that are being remodeled or changed to a new use shall be exempt from the seismic requirements of the 2003 International Building Code. Permits and inspections for reroofing or recovering roofs of Use Group R-3 dwellings are not required. All roofing work shall comply with Section 1509 of Article I Part 1 (a) Building Code.

**101.6.2 Change of Occupancy.** If the occupancy classification of any existing building or structure is changed, the building, fire protection, elevator, escalator, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of this Code as required by the Building and Fire Officials.

**101.6.3 Existing Conditions.** Existing conditions not in strict compliance with this Code may be permitted to continue when, in the opinion of the Building and Fire Officials, these conditions do not constitute a distinct hazard to life or property.

**101.7 Special Historic Buildings.** The provisions of this Code relating to the construction alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or the City of Birmingham as Historic Buildings when such buildings or structures are judged by the Building and Fire Officials to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered Professional Engineer or Architect in the State of Alabama.

## **102 POWERS AND DUTIES OF THE BUILDING AND FIRE OFFICIAL**

**102.1 General.** The Building Official and Fire Official is hereby authorized and directed to enforce the respective provisions of this Code. The Building or Fire Official is further authorized to render interpretations of the respective portion of this Code over which they have authority.

### **102.2 Right of Entry**

**102.2.1** Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building or Fire Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, elevator, escalator, electrical, gas, mechanical, fire protection, life safety or plumbing systems unsafe, dangerous or hazardous, the Building or Fire Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building or Fire Official by this Code, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building or Fire Official shall have recourse to every remedy provided by law to secure entry.

**102.2.2** When the Building or Fire Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building or Fire Official for the purpose of inspection and examination pursuant to this Code.

### **102.3 Stop Work Orders**

Upon notice from the Building or Fire Official, work on any building, structure, elevator, escalator, electrical, gas, fire protection, mechanical or plumbing system that is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building or Fire Official shall not be required to give a written notice prior to stopping the work.

## **102.4 Revocation of Permits**

**102.4.1 Misrepresentation of Application.** The Building or Fire Official may revoke a permit or approval, issued under the provisions of this Code, where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

**102.4.2 Violation of Code Provisions.** The Building or Fire Official may revoke a permit upon determination by the Building or Fire Official that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, fire protection, elevator, escalator, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this Code.

## **102.5 Unsafe Buildings, Systems and Public Nuisances.**

**102.5.1 Unsafe Buildings and Systems.** All buildings, systems, structures, and premises, which are unsafe, unsanitary, which are not provided with adequate egress, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, but are not unsafe to the extent that they constitute a public nuisance, are considered unsafe buildings. All such unsafe buildings, systems, structures and premises are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

**102.5.1.1** Whenever the Building or Fire Official shall find any building or structure or portion thereof to be unsafe, as defined in this section, he shall, in accordance with the established procedure for legal notices, give the assessed owner, agent, person having an interest in or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements or to demolish and remove the building or structure or portion thereof.

**102.5.1.2** If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the specified repair and improvements are completed, inspected, and approved by the Building and Fire Official. The Building or Fire Official shall cause to be posted at each entrance to such building a

notice: 'THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.' Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm, or corporation, their agents, servants, or employees to remove such notice without written permission of the Building or Fire Official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

**102.5.1.3** If such owner(s), agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Building or Fire Official shall cause such building or structure or portion hereof, if not heretofore vacated, to be vacated and remain vacated until repaired or demolished; provided, however, if thereafter such building or structure or portion thereof becomes unsafe to the extent that it is a public nuisance, the Building Official shall proceed as provided in section 102.5.2 hereof.

**102.5.1.4** The Building and Fire Officials may make, periodically, a thorough reinspection of the installation of all electrical wiring, electric devices, and electric equipment now installed or that may hereafter be installed within the city; and when the installation of any wiring devices or equipment is found to be in a dangerous or unsafe condition, the person owning, using, or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such wiring, devices, or equipment in safe condition and have such work completed within the period specified by the Building or Fire Official. The Building Official or Fire Official is hereby empowered to disconnect or order the discontinuance of electrical service to such wiring devices, or equipment so found to be defectively installed until the installation of such wiring, devices, or equipment has been made safe as directed by him.

**102.5.1.5** All plumbing, electrical, gas and mechanical installations, regardless of type, that are unsanitary or that constitute a hazard to human life, health, or welfare are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition, and such violations shall be brought to the attention of the owner or agent thereof, with written instructions to have same corrected within 10 days after receipt of such notice in writing and said owner or agent shall be held responsible for such violations. If after any water meter is set, it is determined that there is danger of backflow or back-siphonage into the building water distribution system, water service or water main from any connection, fittings, fixture, device, appurtenance or appliance whereby the water in the water supply or distribution piping could become contaminated or the water could otherwise be rendered a non-potable supply of water, the Building Official may, upon written notice, require the water supplier to disconnect the premises upon which such back-flow or back-siphon condition exists from the water main until such condition is remedied to the satisfaction of the Building Official. The Building Official shall have the authority to prevent the setting of a meter or the connection of a water service to any building water distribution system when upon inspection of the premises, conditions are found to exist which are contrary to the provisions of this Code as it pertains to the water supply and/or water distribution system of a building or premises until such condition or conditions are remedied to the satisfaction of said Building Official.



**102.5.1.6** The owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the Building or Fire Official, as provided hereinafter, and to appear before the Construction Board of Adjustments and Appeals at a specified time and place to show cause why he should not comply with said notice.

**102.5.1.7** The decision of the Building or Fire Official shall be final, and supersede any other pending action, in cases of emergency which, in his opinion, involve imminent danger of structural collapse endangering adjoining property, the public right-of-way or to human life or health. He shall promptly cause such building, structure, or portion thereof to be made safe, secured, or removed. For this purpose he may at once enter such structure, with such assistance and at such cost as he may deem necessary. He may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

**102.5.1.8** The costs of such emergency action shall be fixed by the City Council and such costs shall be assessed against the person or persons creating or maintaining such dangerous condition.

## **102.5.2 Public Nuisances**

**102.5.2.1** Whenever the Building Official shall find that any building, structure, part of building or structure, party wall, foundation or premises situated in the City is unsafe to the extent that it is a public nuisance, he shall give the person or persons, firm, association, or corporation last assessing the property for state taxes and all mortgagees of record, by certified or registered mail to the address on file in the tax collector's office, notice to remedy the unsafe or dangerous condition of such building, structure, or premises, or to demolish the same, within a reasonable time set out in said notice, which time shall be not less than thirty (30) days or suffer such building or structure to be demolished by the City and the cost thereof assessed against the property. The mailing of such certified or registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, shall, within three (3) working days of the date of mailing, also be posted at or within three (3) feet of an entrance to the building or structure provided that if there is no entrance, the notice may be posted at any location upon the building or structure.

**102.5.2.2** Within the time specified in such notice, but not more than thirty (30) days from the date notice is given, any person, firm or corporation having an interest in such building or structure may file a written request for a hearing before the City Council, together with his objections to the finding by the Building Official that such building or structure is unsafe to the extent of becoming a public nuisance. The filing of such request shall hold in abeyance any action on the finding of the Building Official until determination thereon is made by the Council. Upon holding such hearing, which hearing shall be held not less than five (5) nor more than thirty (30) days after such request, or in the event no hearing is timely requested, the Council, after the expiration of thirty (30) days from the date notice is given, shall determine whether or not such

building or structure is unsafe to the extent that it is a public nuisance. In the event that it is determined by the Council that such building or structure is unsafe to the extent that it is a public nuisance, the Council shall order such building or structure to be demolished. Such demolition may be accomplished by the City by the use of its own forces, or it may provide by contract for such demolition. The City shall have authority to sell or otherwise dispose of salvaged materials resulting from such demolition.

**Exception:** When emergency action is declared after a thirty (30) day notice has been mailed and a written request for a hearing is received, the hearing before the City Council may be held immediately.

**102.5.2.3** Any person aggrieved by the decision of the Council at such hearing may, within ten (10) days thereafter, appeal to the Circuit Court upon filing with the clerk of said court notice of appeal and bond for security of costs in the form and amount to be approved by the Circuit Clerk. The City Clerk shall, upon receiving notice of appeal, file with the Clerk of the Court a copy of the findings and determination of the Council proceedings.

**102.5.2.4** Upon demolition of such building or structure, the Building Official shall make report to the Council of the cost thereof, and the Council shall adopt a resolution fixing the costs which it finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building or structure shall be used or applied against the cost of said demolition; and provided, further, that any person, firm, or corporation having an interest in said property may be heard at such meetings to any objection he may have to the fixing of such costs or the amounts thereof. The City Clerk shall give notice of the meeting at which the fixing of such costs are to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the tax collector's records on the property or is otherwise known to the clerk. The fixing of said costs by the Council shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and, thus made and confirmed, shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes, and shall continue in force until paid. A certified copy of such resolution shall also be filed in the Office of Judge of Probate of Jefferson County, Alabama.

**102.5.2.5** The City shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien or such city for such assessment, but any redemptioner or purchaser at any sale by the state or any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of

taxes, shall take the same subject to such assessment. Such assessment shall then be added to the tax bill of the property, collected as tax, and remitted to the city.

**102.5.2.6** Payment of such assessment shall be made in the manner and as provided for the payment of municipal improvement assessments in Section 11-48-48, Code of Alabama, 1975, as now amended, and upon the property owner's failure to pay such assessment, as provided in the provisions of Sections 11-48-49 through 11-48-60, inclusive, Code of Alabama, 1975.

### **102.6 Requirements Not Covered By Code**

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, elevator, escalator, electrical, gas, fire protection, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Building and Fire Officials.

### **102.7 Alternate Materials and Methods**

The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Building and Fire Officials. The Building and Fire Officials shall approve any such alternate, provided the Building and Fire Officials find that the alternate is at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety for the purpose intended. The Building or Fire Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

#### **102.7.1 Approved Materials, Apparatus, Equipment and Methods.**

All materials, apparatus, fittings, appliances, devices, appurtenances or fire rated assemblies, shall be listed by testing agencies that have been accredited by the International Accreditation Service, Inc. (IAS), as stated in the ICC-ES Rules of Procedure of the International Code Council (ICC)

## **103 CONSTRUCTION PERMITS**

A person, firm or corporation shall not erect, construct, enlarge, install, alter, repair, move, improve, remove, convert or demolish any building, structure, elevator, escalator, electrical, gas, fire protection, mechanical or plumbing system in the City of Birmingham, or cause the same to be done, without first obtaining a permit for such from the Building and/or Fire Official

### **SECTION 103.1 APPLICATION FOR PERMIT**

**103.1.1 When Required.** Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any fire protection, electrical, elevator, escalator, gas, mechanical or plumbing system, the installation of which is regulated by this Code, or to cause any such work to be done,

shall first make application to the Building and/or Fire Official and obtain the required permit for the work.

**EXCEPTION:** Permits shall not be required for the following work except as noted herein:

1. any portable heating, ventilation, evaporator coil or cooling equipment;
2. any steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code;
3. any self-contained refrigeration system containing 10 lb. or less of refrigerant and actuated by motors of 1 horsepower or less;
4. repair or replacement of components with similar equipment which does not enlarge, move, convert, or replace the mechanical system and which does not create an unsafe condition;
5. repair or replacement of gas-fired furnaces if a gas permit has been obtained;
6. repair or replacement of condensing unit.
7. repair or replacement of no more than 50% which shall not to exceed 20 feet, of water service.
8. accessory structures for one and two family dwellings less than 150 SF when approved by the Planning Division of the Department of Planning, Engineering and Permits.

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**103.1.2 Work Authorized.** A building, fire protection, electrical, elevator, escalator, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

**103.1.3 Minor Repairs.** Ordinary minor repairs may be made with the approval of the Building and Fire Official without a permit, provided that such repairs shall not violate any of the provisions of this Code.

**103.1.4 Information Required.** Each application for a new construction building permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site, lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official.

**103.1.5 Time Limitations.** An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit unless a permit has been issued within the 6 months period. One or more extensions of time for periods of not more than 90 days each may be allowed by the Building Official for the

application, provided the request for extension is in writing and justifiable cause for such delay is demonstrated. See Section 103.6.2 for Special Permits.

## **103.2 Drawings and Specifications**

**103.2.1 Requirements.** When required by the Building Official, or Fire Official, three or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with this Code. Such information shall be specific; this Code shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

Mechanical permit applications may be required to have drawings or Heat Loss and Gain forms (ACCA Manual J or ACCA Manual N) attached.

**103.2.2 Additional Data.** The Building or Fire Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations.

**103.2.3 Design Professional.** All drawings, specifications, and accompanying data shall bear the name and address of the designer. In the case of buildings or structures of Group A and E Occupancy, and all buildings or structures or portions thereof more than 2500 square feet, except single-family dwellings, such designer shall be an Architect or Engineer legally registered under the laws of the State of Alabama regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data. All Gas, Mechanical, Plumbing, Fire Protection System drawings may be required to be prepared by a Registered Engineer in the State of Alabama.

### **103.2.3.1 Design professional in responsible charge.**

**103.2.3.2 General.** When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred items, for compatibility with the design of the building. Where structural observation is required by Section 1709, the inspection program shall

name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704).

**103.2.3.3 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

**103.2.4 Structural And Fire Resistance Integrity.** Plans for all buildings shall indicate how required structural and fire resistive integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls.

**103.2.5 Site Drawings.** Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building or Fire Official may require a boundary line survey prepared by a qualified surveyor. Site drawings shall include fire access roadways, fire hydrants and obstructions to proposed buildings.

### **103.3 Examination of Documents**

**103.3.1 Plan Review.** The Building and Fire Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Code and all other pertinent laws or ordinances, such as Zoning and Soil Erosion and Sediment Control ordinances. The Building and Fire Official shall also examine or cause to be examined each set of drawings, specifications, computations and additional data of all components of fire protection systems, and the Building and Fire Official shall ascertain by such examinations whether the construction and/or installation of all components of the fire protection systems are in compliance with this Code and all other pertinent laws or ordinances.

**103.3.2 Affidavits.** The Building or Fire Official may accept a sworn affidavit from a Registered Architect or Engineer stating that the plans submitted conform to this Code. For buildings and structures the affidavit shall state that the plans conform to the laws as

to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of this Code as to strength, stresses, strains, loads and stability. The Building or Fire Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building or Fire Official, copies of inspection reports as inspections are performed and upon completion of the structure a certification that the structure has been erected in accordance with the requirements of this Code. Where the Building or Fire Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of this Code and other pertinent laws or ordinances.

#### **103.4 Issuing Permits**

**103.4.1 Action on Application.** If the Building Official and Fire Officials are satisfied that the work described in an application for permit and the drawings filed therewith conform with the requirements of this Code and other pertinent laws and ordinances, they shall issue a permit therefore to the applicant; provided that no permit shall be issued for construction by a contractor or superintendent of any building costing \$50,000 or more, and covered by Chapter 8, Title 34, Code of Alabama of 1975, or as same may be amended, unless such contractor shall be duly licensed under the provisions of said chapter.

**103.4.2 Refusal To Issue Permit.** If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of this Code or other pertinent laws or ordinances, the Building and Fire Officials shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. The Building and Fire Officials may withhold the further issuance of permits to the holder of any permit previously issued under this Code if the work or inspections as required there under have not been completed within a reasonable time. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

**103.4.3 Partial Permits.** When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundations, framing or other portions of such building. The holder of such a special permit shall proceed at his own risk and without assurance that a permit for remainder of the structure will be granted.

**103.4.4 Public Right Of Way.** A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the Department of Planning, Engineering and Permits for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the Building Official to see that the street lines are not encroached upon except as provided for in Chapter 32 of Article II.

**103.4.5 Excavations.** A permit is required to be taken out with the Department of Planning, Engineering and Permits for each excavation in a public street or alley before the work is commenced. It shall be unlawful for any person, firm or corporation to do any tunneling under any public street or alley. All excavations, back-fills and repairs in public streets or alleys shall be done in accordance with applicable ordinances of the City of Birmingham as amended from time to time and filed in the office of the Department of Planning, Engineering and Permits, the enforcement of which rests with the Department of Planning, Engineering and Permits.

**103.4.6 Public Protection Requirement.** It is hereby required that for every excavation made on public property, proper safeguards shall be provided against injury to the public; barricades shall be provided at five (5) feet intervals, and such barricades shall completely encircle all open excavations or trenches. All barricades, as required by this Code, shall have at least one (1) sign placed thereon in a conspicuous manner, indicating the name of the person, firm or corporation causing such excavation. When approved by the Department of Planning, Engineering and Permits, steel plates of sufficient strength may be used to cover the excavation to prevent blocking streets.

**103.5 Contractors License.** It shall be the duty of every contractor or builder, who shall make contracts for the erection, construction or repair of buildings for which a permit is required in the City, and every contractor or builder making such contracts and subletting the same, or any part thereof, to pay license fees as provided by ordinance.

### **103.6 Conditions of the Permit**

**103.6.1 Permit Intent.** A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this Code, nor shall such issuance of a permit prevent the Building or Fire Official from thereafter requiring a correction of errors in plans or in construction, or of violations of this Code. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within ninety days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of ninety days after the time work is commenced; provided that for cause, one or more extensions of time, for periods not exceeding ninety days each, may be allowed in writing by the Building Official.

**103.6.2 Special Permits.** Whenever a building has been condemned as a public nuisance by resolution of the City Council, no building or moving permit shall be issued nor shall any building permit be valid unless approved by resolution of the City Council. Authorized repair permits for buildings condemned by the City Council or the Building Official must be obtained within seven (7) days of approval and shall become invalid unless the structure is secured and weeds and trash are removed from the premises within ten (10) days of permit issuance and substantial repair is commenced within 30 days of permit issuance. These permits shall also become invalid if work is abandoned for any thirty (30) day period.



**103.6.3 Plans.** When the Building or Fire Official issues a permit, he shall endorse, in writing, or stamp, three sets of plans as official drawings. Two sets of drawings so stamped shall be retained by the Building and Fire Officials the third set which shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building and Fire Official or their authorized representative at all times.

**103.6.4 Permits Issued On Basis Of An Affidavit.** Whenever a permit is to be issued in reliance upon an affidavit as provided in Section 103.3.2 or whenever the work to be covered by a permit involves construction under conditions which, in the opinion of the Building or Fire Official, are hazardous or complex, the Building or Fire Official shall require that the architect or engineer who signed the affidavit or made the drawings or computations shall supervise such work, and be responsible for its conformity and provide a written affidavit that the work has been done in conformity with the approved plans and with the structural provisions of the Code. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are approved by the Building or Fire Official.

## **104 FEES**

**104.1 Prescribed Fees.** A permit shall not be issued until the fees prescribed in this Code have been paid, or other arrangements have been made. Nor shall an amendment to a permit be released until payment of the additional fee, if any, due to an increase in the estimated cost of the building, elevator, escalator, structure, or the fire protection, electrical, plumbing, mechanical or gas systems, has been arranged.

**104.2 Work Commencing Before Permit Issuance.** Where any work on a building, structure, elevator, escalator, or the fire protection, electrical, plumbing, mechanical or gas systems is commenced before obtaining the necessary permits, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor of any other penalties prescribed herein. The Building Official may withhold the issuance of further permits to any person, firm, or corporation until all permits for work previously started by them have been obtained. Repeat violations within any 12-month period shall result in the double fee plus fifty dollars (\$50.00) for each such additional violations.

**104.3 Accounting.** The Building Official shall keep a permanent and accurate accounting of all such permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

**104.4 Schedule of Permit Fees.** On all buildings, structures, elevators, escalators, or the fire protection, electrical, plumbing, mechanical and gas systems, or alterations or for any operational/use and special events requiring a permit, a fee for each permit shall be paid

as required in section 104.1, in accordance with the schedule as established by Article III and IV.

**104.5 Building Permit Valuations.** If, in the opinion of the Building Official, the estimated cost of construction appears to be underestimated, the estimated costs for permit fee purposes shall be determined by the use of the most current applicable tables published by the ICC. Estimated cost shall include the total cost of all work such as plumbing, elevator, escalator, electrical, fire protection, mechanical, paving, landscaping, grading, overhead and profit, engineering and architectural design fees, and be equivalent to the end cost of the project.

**104.6 Fees, How Paid.** All fees for permits and inspections required under this Code shall be paid at the office of the Department of Planning, Engineering and Permits.

## **105 CONSTRUCTION PERMIT INSPECTIONS**

**105.1 Existing Building Inspections.** Before issuing a permit the Building and Fire Officials may examine or cause to be examined any building, elevator, escalator, structure, or the fire protection, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, elevator, escalator, or the electrical, fire protection, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of this Code.

**105.2 Manufacturers and Fabricators.** When deemed necessary by the Building or Fire Official, they shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of this Code. Costs of such inspections shall be paid by the manufacturer.

**105.3 Inspection Service.** The Building or Fire Official may make, or cause to be made, the inspections required by this section. He may accept reports of inspectors of recognized inspection services provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of this Code shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

**105.4 Inspections Prior To Issuance of Certificate of Occupancy or Completion.** The Building and Fire Officials shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building or structure upon completion, prior to the issuance of the Certificate of Occupancy, as required in Section 106. Where any additional or extra inspection is required on any undertaking due to the failure of the permit holder to comply with the

provisions of this Code, a "Special Inspection Permit" shall be obtained for each such inspection and there shall be an additional charge of \$50.00 for each such permit and inspection.

**105.5 Posting of Permit.** Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building or Fire Official or their representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the Building Official. The Fire operational/use permit shall be maintained on site permanently.

**105.6 Required Inspections.** It shall be the responsibility of the contractor to give reasonable advance notice to the Building and Fire Officials when work is ready for test or inspection. Except in case of emergency this notice should be given 24 hours prior to the requested inspection unless otherwise specified. The Building and/or Fire Official, upon notification from the permit holder or his agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with this Code:

**105.6.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**105.6.2 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**105.6.3 Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

**105.6.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

**105.6.5 Lath and gypsum board inspection.** Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

**Exception:** Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

**105.6.6 Fire-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

**105.6.7 Other inspections.** In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

**105.6.8 Special inspections.** For special inspections, see Section 1704.

**105.6.9 Final inspection.** The final inspection shall be made after all work required by the building permit is completed.

## **105.7. Fire Inspections**

**105.7.1 Testing of Fire Protection systems and equipment.** The Fire Official shall witness tests for all fire protection systems and equipment before a Certificate of Occupancy or Certificate of Completion is issued by the Building Official. The following lists the Fire Official inspections on fire protection systems:

### **105.7.1 Underground Fire Service (NFPA Certification required)**

- Open Trench Inspection of piping, thrust blocks and other approved methods of restraining fire mains.
- Hydrostatic Test
- Flush Test (before connection to the aboveground Fire Sprinkler System)
- Final (with Fire Alarm Final, **if applicable**)

### **105.7.2 Fire Sprinkler Systems (NFPA Certification required)**

- Above Ceiling inspection and Hydrostatic Test (open ceiling)
- Bucket Test (13R)
- Final (with Fire Alarm System if applicable)

### **105.7.3 Standpipe System (NFPA Certification required)**

- Hydrostatic Test
- Flush Test (with Fire Pump if applicable)
- Final (with Fire Alarm System if applicable)

### **105.7.4 Fire Pumps (Certification required)**

- Hydrostatic and Flush Test of piping
- Functional Test (Pump Certification)  
Emergency Power Supply for Electric Pumps

- Final (with Fire Alarm System, if applicable)

**105.7. 5 Fire Alarm System (NFPA Certification required)**

- Acceptance Test (with other trades if applicable)
- Re-certification (if an existing system is upgraded or re-installed)

**105.7. 6 Commercial Hood Fire Extinguishing System (Certification required)**

- Inspection (all components)
- Functional Test
- Final (with Fire alarm if applicable)

**105.7. 7 Non-Water based Fire Suppression Systems (Certification required)**

- Inspection (all components)
- Room Integrity Test
- Pneumatic Test
- Puff Test (flow)
- Functional Test
- Final (with Fire alarm if applicable)

**105.7. 8 Above (AST) and Underground (UST) Tanks (Certification Required)**

- Inspection (ASME code stamp or UL mark verifying Factory testing)
- Hydrostatic Test (soap test before tanks are placed in the ground)
- Piping and Tank tightness test (UST tested before covering)
- Final Inspection

**105.7. 9 Final Certificate of Occupancy Inspection**

- Required at the completion of the testing of all Fire Protection Systems and Equipment
- Required if no Fire Protection Systems are installed unless instructed otherwise by the Building Inspection.
- Fire Extinguishers should be properly installed
- All Life Safety Features including egress should be completed

The following inspections require a completed contractor's certificate Per NFPA Standards:

Underground Fire Service  
Fire Sprinkler Systems  
Standpipe Systems  
Fire Alarm Systems  
Fire Suppression Systems

**105.8 Electrical**

Required electrical inspections shall consist of the following:

**105.8.1 Underground Inspection:** To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

**105.8.2 Rough-In Inspection:** To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes. When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person installing the wiring shall notify the Building Official and such parts of the wiring installation shall not be concealed until they have been inspected and approved by the Building Official; provided, that on large installations where the concealment of parts of the wiring proceeds continuously, the person installing the wiring shall give the Building Official due notice and inspections shall be made periodically during the progress of work.

**105.8.3 Low Voltage Wiring:** The Electrical inspector is responsible for conducting the inspection for all the electrical wiring for fire alarm system. The electrical inspector checks wiring to fire alarm panel and from panel to devices/appliances (this does not include testing for supervision). The Fire inspector is responsible for conducting an acceptance test (including supervision) of the fire alarm system.

**105.8.4 Final Inspection:** To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy. When the Building Official shall determine that work has been completed under a permit, but no final inspection has been requested or made, it shall be his duty to refuse to issue any permits to the master electrician for any work until said completed work has satisfactorily passed a final inspection. Regardless of any other provision of this Code, electrical work or equipment placed in operation and which are in use by the owner or occupant of the building or premises shall be deemed complete and ready for final inspection. If, upon final inspection, the installation is not found to be in full compliance with this Code, the Building Official shall at once notify the person installing the wiring, stating the defects which have been found to exist.

## **105.9 Plumbing**

Required plumbing inspections shall consist of the following:

**105.9.1. Underground Inspection:** To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

**105.9.2. Rough-In Inspection:** To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.

**105.9.3 Final Inspection:** To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

**105.9.4 Responsibility of Master Plumber:** It shall be the responsibility of the master plumber to notify the office of the Building Official within forty-eight hours after the completion of the job and before the plumbing system, alterations or additions are placed in service, that the work is ready for final inspection. When the Building Official shall determine that work has been completed under a permit, but no final inspection has been asked for or made, it shall be his duty to refuse to issue any permits to the master plumber for any work until said completed work has satisfactorily passed a final inspection. Regardless of any other provision of this Code, plumbing work or fixtures placed in operation and which are in use by the owner or an occupant of the building or premises shall be deemed complete and ready for final inspection.

**105.9.5 Test of Drainage and Vent Systems.** All the piping of the plumbing system shall be tested with water. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The Building Official may require the removal of any clean-out to ascertain if the pressure has reached all parts of the system.

**105.9.6 Methods of Testing Drainage and Vent Systems.**

(a) **Water Test**--The Water Test shall be applied to the drainage and vent system, either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest openings of the section under test, and each section shall be filled with water, but no section shall be tested with less than a 10 foot head of water. In testing successive sections at least the upper 10 feet of the next proceeding section shall be tested so that no joint or pipe in the building (except the uppermost 10 feet of the system) shall have been submitted to a test of less than a 10 foot head of water. The water shall be kept in the system, or in the portion under test, for a least 15 minutes before inspection starts; the system shall then be tight at all points. Exception: Sewage ejectors need only meet the requirements of the final test.

(b) **Ball Test**--All soil or waste pipes other than individual fixture drains 3" or larger shall be subjected to the "Ball Test." This test shall consist of passing through the pipe bore a wooden sewer ball of a diameter not smaller than 1/2" less than the diameter of the pipe under test. The ball shall pass freely, under the action of gravity, through the pipe under test. Water, no more than 5 gallons, may be used to assist in floating the ball through the piping, however, no other means of assistance shall be used.

(c) **Final Test**--The final test of the completed drainage and vent system shall be visual and in sufficient detail to insure that the provisions of this Code have been complied with, provided, however, that for cause, the plumber may be required to subject the plumbing to a smoke or mint test as determined by the Building Official. Where the mint test is used, two ounces of oil of mint shall be introduced for each line or stack.

**105.9.7 Test of Water-Supply System.** Upon completion of a section, or of the entire water-supply system, it shall be tested and proved tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply. It shall be unlawful for compressed air or gases to be used for testing purposes.

**105.9.8 Test of Building Sewer.** – Shall be tested and accepted by Jefferson County Environmental Services before any final plumbing inspections are to be made. A letter of acceptance shall be received in the Department of Planning, Engineering and Permits addressed to the Chief Plumbing, Gas and Mechanical Inspector.

**105.9.9 Test of Interior Leaders or Downspouts.** Leaders or downspouts and branches within a building shall be tested by water in accordance with ``Methods for Testing of Drainage and Vent Systems."

**105.9.10. Test of Defective Plumbing.** The drainage system of any building, where there is reason to believe that it has become defective, shall be subjected to test or inspection.

#### **105.10.Mechanical**

**105.10.1. Rough-In Inspection:** To be made after the roof, framing, fire-blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

**105.10.2 Final Inspection:** To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

#### **105.11 Gas**

**105.11.1 Rough Piping Inspection:** To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

**105.11.2 Final Piping Inspection:** To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

**105.11.3 Intermediate Inspection:** It shall be the responsibility of the Master Gas Fitter to notify the office of the Building Official within forty-eight hours after completion of the job and before the gas system, alterations or additions are placed in service, that the work is ready for intermediate inspection. It shall further be the responsibility of the Master Gas Fitter to see that the premises and the work are available and accessible to the Building Official or his representative for inspection.



**105.11.4 Final Inspection:** To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to insure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans. It shall be the responsibility of a Master Gas Fitter to put all equipment in operation for final inspection after completion and call for final inspection of the job and within ten (10) days after approval of the intermediate inspection except in such cases where the unfinished work of other crafts prohibit proper operation of the equipment. Such cases shall be determined by the Building Official after request of inspection, but in no case will this relieve the Master Gas Fitter, Company, Firm, or Corporation of his or their responsibility to call for final inspection within ten (10) days. If final inspection is not requested within 10 days from approval of the intermediate inspection and final approval given, it shall be the responsibility of the Building Official to refuse to issue any permits to the Master Gas Fitter, Company, Firm, or Corporation for any additional work at any time it has been ascertained that the equipment has been placed in operation and final inspection has not been requested and final approval obtained.

**105.11.5 Instrument Tests:** Instrument tests, when required, shall insure that the flue gas temperature does not exceed 480 Degrees Fahrenheit above that of the air temperature surrounding the appliance. The concentration of CO-2 does not exceed 9%; or the concentration of CO-O2 does not exceed 0.04%, and the concentration and oxygen is not less than 4% and not more than 10%. This test shall be applicable to conversion burner installations, barometric damper installations, power burner installations, and at any time, when, after test by the Building Official, the equipment is found not to comply with the above requirements.

**105.11.6 Test of a Gas Piping System:** All the piping of the gas system to the outlet manual shut-off valve required by Article IV or quick-disconnect device when provided shall be tested with air or inert gas in accordance with Article IV.

**105.11.7 Test of Defective Gas Systems:** The gas system of any building, where there is reason to believe that it has become defective, shall be subjected to test and/or inspection.

**105.11.8 Gas Vent Inspection:** Before approval of the roughing-in-inspection, required in this Code, may be given, all gas vent piping shall be in place, joints properly sealed, adequately supported and clear of all combustible material in accordance with other sections of this Code. Where it is necessary for ceilings or other obstructions to be installed prior to the gas vent pipe, then adequate clearance shall be provided around the vent pipe in order that clearances, as required in Article IV may be ascertained and, also, that the type material and listing may be determined by the Building Official. In no case shall the installation of ceilings or other obstructions prior to inspection be the cause of an inspector having to crawl in or through attics when an earlier installation could have been made and inspection be called for.

**105.11.9 Final or Operational Inspection:** After a gas meter is set and all equipment is put in service, a final inspection may be made. This inspection will be in sufficient detail to assure that all final connections have been made and that all appliances have been properly adjusted and that all controls are in good working order. Upon the satisfactory completion of this inspection, a certificate of approval shall be issued to the permittee by the Building Official to be delivered to the owner.

**105.11.10 Visual or Intermediate Inspection:** When all equipment is ready to be put in service, and before the meter is set, visual inspection shall be requested by the Master Gas Fitter. This inspection shall be in sufficient detail to insure that all the provisions of this Code have been complied with. In existing systems, where a meter is already in service, final connection of the appliance or equipment to the customer's gas piping shall not be made until the visual or intermediate inspection is made and approval given. Except for replacements when no roughing-in is required, then a final inspection may be made in lieu of the intermediate inspection. When equipment is placed in operation, such equipment shall be deemed ready for final inspection whether requested or not. However, nothing contained in this section shall relieve any person, firm or corporation from his or their responsibility to request inspection as required by this Code nor shall such inspection relieve any person from payment of additional inspection fees or other penalties incurred under this Code.

## **105.12 Elevator**

**105.12.1** The installation and maintenance of all new and existing elevator equipment is under the control of the State of Alabama Elevator Board. This includes the recall service (i.e., Phase I or Phase II; proper recall using smoke detectors). The Fire Official will be responsible for the hydrostatic test of the sprinkler system providing protection for the elevator shaft/room. The Fire Official will check elevator lobby/shaft detection for proper signals to fire alarm panel.

**105.12.2** Man lifts installed on construction sites shall comply with A17.1-2000 Section 5.10.

**105.13 Written Release.** Work shall not be done on any part of a building, structure, elevator, escalator, or the fire protection, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Building or Fire Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing inspections.

**105.14 Reinspection.** If the Building or Fire Official finds that the work will not pass the inspection, the contractor shall be required to make necessary corrections and the work shall then be resubmitted for reinspection. Where additional inspections are necessary, there shall be an additional fee as provided for in Article VIII.

**105.15 Delayed Inspection and Penalty.** On any job for which a permit has been obtained and a period of more than 90 days elapsed without request for an inspection, an inspection shall be made and should it be ascertained that the work has been completed for which an inspection is required and no inspection has been requested as otherwise required by this Code, a delayed inspection penalty fee shall be paid as provided in this Code. Payment of this fee shall not include preclude payment of any other inspection charges incurred due to defective material, workmanship, equipment, apparatus, or the lack of equipment, apparatus, or personnel required for inspection or tests.

**105.16 Contractor's Responsibility.** It shall be the responsibility of the contractor to make sure that the work will stand the test prescribed before giving the notice for the inspection. It shall also be the responsibility of the contractor to see that the premises, work and personnel are available and accessible to the Building and Fire Officials or their representative for final inspection. Failure of the contractor to insure that final inspections are requested in accordance with this section may result in denial of future permit issuance.

**105.17 Retesting.** If the Building or Fire Official finds that the work will not pass the test, the contractor shall be required to make necessary corrections and the work shall then be resubmitted for inspection. Where additional inspections are necessary for such retesting there shall be an additional fee as provided for in Article III.

**105.18 Covering the Work.** Prior to testing, the system or part thereof shall not be covered until it has been inspected, tested and approved as prescribed in this Code.

**105.19 Uncovering of Work.** If a system or part thereof is covered before being inspected and approved as prescribed in this chapter, it shall be uncovered upon direction of the Building or Fire Official.

**105.20 Material and Labor for Tests.** The equipment, material, power, and labor necessary for the inspection and test shall be furnished by the contractor. The contractor shall be responsible for supplying gas for the operational or final test except that this requirement need not apply to gas meters when the owner has applied for service and a meter has been set within the time period covered in this Code.

## **106 CERTIFICATES**

**106.1 Building Occupancy.** A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the Building Official has issued a Certificate of Occupancy. Said certificate shall not be issued until all required building, structural, elevator, escalator, or the electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with this Code and other applicable laws and ordinances and released by the Building and Fire Officials. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**106.2 Issuing Certificate Of Occupancy.** Upon satisfactory completion of construction of a building or structure and installation of electrical, elevator, escalator, fire protection, gas, mechanical and plumbing systems in accordance with this Code, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of this Code.

**106.3 Temporary/Partial Occupancy.** A temporary/partial certificate of occupancy may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building.

**106.4 Existing Building Certificate Of Occupancy.** A Certificate of Occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with this Code for the occupancy intended. Where necessary, in the opinion of the Building Official and Fire Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of this Code and other applicable laws and ordinances for such occupancy, a Certificate of Occupancy shall be issued.

**106.5 Roughing-in-Inspection Certificate.**

Upon the satisfactory completion of the roughing-in-inspection, approval shall be so noted ~~on~~ in the electrical, gas, mechanical or plumbing section of the building permit card. This approval shall give the date of the roughing-in-inspection and the name of the inspector.

**106.6 Final Inspection Certificate.**

Upon the satisfactory completion and final test of the plumbing system, a certificate of approval shall be issued by the Building Official to the Contractor to be delivered to the owner. If the work is found to be fully in compliance with this Code and does not constitute a hazard to life and property, he shall issue to such person, for delivery to the owner, a final certificate of approval authorizing connection to the electrical service, the turning on of the current and the use of the installation, and shall send written notice of such authorization to the public utility corporation furnishing the electric service. When a certificate is issued authorizing the connection and use of temporary work, such a certificate shall be issued to expire at a stated time and shall be revocable by the Building Official at his discretion. A preliminary certificate may be issued authorizing the connection and use of certain specified portions of an uncompleted installation; such a preliminary certificate shall be revocable at the discretion of the Building Official.

**106.7 Certificate of Completion.** Upon satisfactory completion of a building, structure, elevator, escalator, or the fire protection, gas, mechanical or plumbing system or portion thereof, a Certificate of Completion may be issued. This Certificate is proof that a structure or system is complete and for certain types of permits is released for use and

may be connected to a utility system. This Certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

**106.8 Revocation.** The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

## **107 SERVICE UTILITIES**

**107.1 Connection of Service Utilities.** No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by this Code and for which a permit is required, until released by the Building Official and a Certificate of Occupancy or Completion is issued.

**107.2 Temporary Connection.** The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy. A separate application and permit fee is required in addition to all other fees.

**107.3 Authority to Disconnect Service Utilities.** The Building or Fire Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or property or when the structure has been declared a public nuisance. The Building or Fire Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

**107.4 Responsibility of Public Utility Companies.** Before any meter is set by any utility company or their authorized agent on any new or existing installation or before a larger meter is set where there is an increase in demand, the company desiring to set meters shall submit the name, address and date of the subscribers making request for such service. No meter shall be set until approval is given by the Building Official. The subscriber's name and address shall be submitted in duplicate.

**107.5 Initial Connections.** It shall be unlawful for any person, firm, or corporation to make connections from a source of electrical energy to any electric wiring, devices or equipment for the installation of which a permit is required, until a certificate of approval has been issued by the Building Official authorizing such connections and the use of such wiring, devices, or equipment.

**107.6 Reconnections.** It shall be unlawful for any person, firm, or corporation to make connection from a source of electrical energy to any electrical wiring, device, or equipment which has been disconnected or the use of which has been ordered by the Building or Fire Official to be disconnected until a certificate of approval has been issued by the Building Official authorizing the reconnection and use of such wiring devices or equipment.

**107.7 Illegal Work To Be Remedied.** Any person, firm, or corporation engaged in the plumbing business or any other person doing work under the provisions of this Code whose work does not conform to the regulations herein set out, shall on notice from the Building Official make the necessary changes at once in order to remedy the same; if the work has not been so changed after 10 days notice from the Building Official, the said Building Official shall then refuse to issue any more permits until he, it, or they, have conformed to all regulations applying to said work. Any person, firm or corporation having control of such work, who fails or refuses to make said changes shall be punished on conviction as provided in Section 114. It shall be unlawful for the owner or agent for any building, dwelling, or dwelling unit to permit any drain, ~~or~~ conduit connection to remain connected with any public sewer if the work has been improperly done, and no person shall permit the use of any water closet, or other plumbing fixture connected with a sanitary sewer or septic tank without an adequate supply of water connected thereto for the purpose of properly flushing and cleaning same. When any water closet sanitary appurtenance or conduit draining into a sanitary sewer or septic tank becomes stopped, clogged or otherwise out of repair, it shall be the duty of the owner or agent for the building, dwelling or dwelling unit to promptly cause the necessary repairs required for compliance with the provisions herein.

## **108 POSTING FLOOR LOADS**

**108.1 Occupancy.** An existing or new building shall not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes by a specific occupancy, when he is satisfied that such capacity will not thereby be exceeded.

**108.2 Storage And Factory-Industrial Occupancies.** It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Department of Planning, Engineering and Permits, or such other departments which may be assigned by ordinance of the City Council the duty of enforcing this Code.

**108.3 Signs Required.** In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Building and Fire Officials on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

## **109 TESTS**

**109.1** The Building or Fire Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

## **110 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

**110.1 Appointment.** There is hereby established a Board to be called the Construction Board of Adjustment and Appeals, which shall consist of eight members. The Board shall be appointed by the Birmingham City Council.

### **110.2 Membership and Terms.**

**110.2.1 Membership.** The Construction Board of Adjustment and Appeals should consist of eight members. Such Board members should be composed of individuals with knowledge and experience in this Code. One member shall be a practicing Architect, one a competent Builder, one a Lawyer, one an Electrical Engineer one a Mechanical Engineer and two shall be Building or Fire Code Consultants, each of whom shall have had at least ten year's experience as an Architect, Engineer, Consultant, Lawyer or Builder. The Building and Fire Officials shall be ex-officio members. A Board member shall not act in a case that has a personal or financial interest.

**110.2.2 Terms.** The terms of office of the Board Members shall be six (6) years or until a replacement is appointed.

**110.2.3 Quorum and Voting.** Four members of the board shall constitute a quorum. In approving equivalency applications of any provisions of this Code or in modifying an order of the Building or Fire Official, affirmative votes of the majority present, but not less than four affirmative votes, shall be required.

**110.2.4 Secretary of Board.** The Building Official shall act as Secretary of the Board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

**110.3 Powers.** The Construction Board of Adjustments and Appeals shall have the power, as further defined in 110.4 herein, to hear equal alternatives and equivalencies,

appeals of decisions and interpretations of the Building or Fire Official and consider equivalencies of this Code.

## **110.4 Appeals**

**110.4.1 Decision of the Building or Fire Official.** The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building or Fire Official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

**110.4.1.1.** The Building or Fire Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

**110.4.1.2.** The provisions of this Code do not apply to this specific case.

**110.4.1.3.** That an equally good or more desirable form of installation can be employed in any specific case.

**110.4.1.4.** The true intent and meaning of this Code or any of the regulations there under, have been misconstrued or incorrectly interpreted.

**110.4.2 Equal Alternatives and Equivalencies.** The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may approve equivalency applications the application of any provision of this Code to any particular case when, in its opinion, the literal enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Code or public interest, and also finds all of the following:

**110.4.2.1** That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

**110.4.2.2** That the special conditions and circumstances do not result from the action or inaction of the applicant.

**110.4.2.3** That granting the equivalency requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures or service systems.

**110.4.2.4** That the equivalency granted is the minimum requirement that will make possible the reasonable use of the building, structure or service system.

**110.4.2.5** That the granting of the equivalency will be in harmony with the general intent and purpose of this Code and will not be detrimental to the public health, safety and general welfare.

**110.4.3 Conditions of the Equal Alternatives and Equivalencies.** In granting the equivalency, the Board may prescribe a reasonable time limit within which the action for which the equivalency is required shall be commenced or completed or both. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a equivalency shall be deemed a violation of this Code.



**110.4.5 Notice of Appeal.** Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building or Fire Official. Appeals shall be in a form acceptable to the Building Official and accompanied by a non-refundable check in the amount of \$50.00.

**110.4.6 Unsafe or Dangerous Buildings or Service Systems.** In the case of a building, structure or service system which, in the opinion of the Building or Fire Official, is unsafe, unsanitary or dangerous, the Building or Fire Official may, in his order, limit the time for such appeals to a shorter period. Appeals shall stay all proceedings in furtherance of the action appealed unless the Buildings or Fire Official certifies in writing to the Board that the stay would, in his opinion, cause imminent peril to life or property.

### **110.5 Procedures of the Board.**

**110.5.1 Rules and Regulations.** The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code. The Board shall meet on call of the Chairman. The Board shall meet within 30 calendar days after notice of appeal has been received.

**110.5.2 Decisions.** The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building or Fire Official or varies the application of any provision of this Code the Building or Fire Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Building Official with a duplicate copy filed with the Fire Official and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept in the office of the Building and Fire Officials. Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

## **111 - LICENSES AND BONDS**

**111.1 General.** Before any person, firm, or corporation shall engage in fire protection, mechanical, electrical, plumbing, or gas fitting work within the City, County, and State they shall be qualified as set forth herein, and a license shall be obtained from the City, County, and State as required and proper bonds posted. Where electrical, plumbing, or gas fitting work is being done, a master or journeyman electrician, plumber, utility gas fitter or gas fitter shall at all times be present on the job, and in actual control and in charge of the work being done. In the case of utility gas fitters they may only be in the employ of a public utility duly franchised in the City of Birmingham.

**Exception:** any firm or corporation licensed to do any work in connection with “limited energy” or other work approved by the Administrative Authority.

**111.2 Registration.** Any person registered as Master Plumber or Gas Fitter with the State of Alabama Plumbers and Gas Fitters Board may apply for and obtain permits, provided, they have obtained a business license from the City of Birmingham as required by the City ordinance and provided bonding as herein required is in effect.

### **111.3 Licensing of Electricians**

**111.3.1 Definitions.** The term "electrical construction," as used in this Code, shall be held to include all work and materials used in installing, maintaining or extending a system of electrical wiring for light, heat or power and all appurtenance, apparatus or equipment used in connection therewith, inside of or attached to any building or structure, lot or premises. The term "electrical contractor," as used in this Code, shall be held to mean a person who is engaged in the business of electrical construction and who is qualified under the terms and provision of this Code. The term "master electrician," as used in this Code, shall be held to mean a person who possesses the necessary qualifications, training, and technical knowledge to plan, lay out, and supervise the installation of electrical wiring, apparatus and equipment for light, heat, and power, as covered by the terms and provisions of this Code. The term "journeyman electrician," as used in this Code, shall be held to mean a person who possesses the necessary qualifications, training, and technical knowledge to install electrical wiring, apparatus or equipment for light, heat, or power, as covered by the terms and provisions of this Code, also he shall be capable of doing said work according to plans and specifications furnished to him and in accordance with standard rules and regulations governing such work. The term "apprentice electrician," as used in this Code, shall be held to mean a person who is engaged in the electrical industry in the capacity of assistant to a journeyman electrician. The term "direct supervision," as used in this Code, shall be held to mean supervision by the supervisor while on the same premises or under the same roof with the supervised. The term "maintenance electrician," as used in this Code, shall be held to mean a person who possesses the necessary qualifications, training, and technical knowledge to maintain electrical wiring, apparatus or equipment for light, heat, or power, as covered by the terms and provisions of this Code He shall be capable of performing such maintenance work in accordance with standard rules and regulations governing such work. He shall be a person who is regularly employed, to maintain and make necessary repairs to the existing building or premises, owned or occupied, or controlled by the person, firm, company, or corporation by whom he is employed. The term "fire district," used in this Code, shall mean the district referred to in Appendix D of Article II.

**111.3.2 Electrical Examining Board.** There shall be an Electrical Examining Board consisting of the Construction Board of Adjustments and Appeals consisting of the Chairman and two members appointed annually by the Chairman. The Building Official shall be the chairman of the Board. No member of the Board shall receive any compensation for his services as such. A majority vote shall be necessary to determine any decision to be rendered by the Board.

**111.3.3 Qualifications of Journeyman Electricians.** It shall be the duty of the Electrical Examining Board to pass upon the qualifications of every person who may

apply in writing upon a form provided by the City within the forty (40) days prior to an examination to stand said examination for a journeyman electrician's certificate of registration and who shall have paid the Director of Finance a fee of fifty (\$50.00). Any person shall be eligible for examination who:

(a) has worked a minimum of 6000 hours during a period of three (3) years as a registered apprentice electrician and has furnished the Building Official an annual report from his employer showing the number of hours and type of work performed, (residential, commercial, or industrial); or provided that one-half the time spent in attendance at an electrical technical school or college--up to 2,000 hours may be considered toward satisfaction of the required 6,000 hours if acceptable to the Board,

(b) has previously held an unrevoked journeyman electrician certificate of registration in the City of Birmingham; or

(c) has had such experience in the construction and design of commercial, industrial, or residential electrical construction as shall be acceptable to the Board; or

(d) has an electrical degree from an accredited school or college of electrical engineering and has a minimum of two (2) years and 4000 hours experience as (c) above. Such applicant shall be examined by written examination upon the fundamentals of electricity, the laws of the city pertaining to electrical installation and construction, the theory and practice of electrical installation and construction, and the ability of the applicant to do practical electrical installation and construction. Said written examination shall be administered by the Department of Planning, Engineering and Permits, or such other department which may be assigned by ordinance of the City Council the duty of enforcing this Code, through an independent testing agency. The Building Official shall report to the Electrical Examining Board the results of said written examination and the Electrical Board shall forthwith issue a journeyman's certificate of registration to each applicant making a grade of seventy (70) or more on said examination. Applicants failing to make the required passing grade of seventy (70) shall have a waiting period of six months before they will be permitted to take the test again.

**111.3.4 Qualifications of Maintenance Electricians.** It shall be the duty of said Board to pass upon the qualifications of every person who may apply in writing upon forms provided by the City prior to an examination to stand said examination for a maintenance electrician's certificate and who shall have paid to the Director of Finance the required fee. Such applicant for a maintenance electrician's certificate shall be examined in the same manner as prescribed for the examination of a journeyman electrician, in the preceding section, except that a grade of sixty-five or more shall be deemed sufficient to entitle the applicant to a maintenance electrician's certificate of registration.

**111.3.5 Qualifications of Master Electricians.** It shall be the duty of said Board to pass upon the qualification of every person who may apply in writing upon forms provided by the City prior to an examination to stand said examination for a master electrician's

certificate of registration and who shall have paid to the Director of Finance the required fee. Any person shall be eligible for examination as a master electrician who:

- (a) has had two years practical experience as a journeyman electrician in the City of Birmingham and has held an unrevoked certificate of registration as such for the said two years; or,
- (b) has previously held an unrevoked certificate of registration as a master electrician in the City of Birmingham; or
- (c) has had such experience in the construction and design of commercial, industrial, or residential electrical construction as shall be acceptable to the Board. Such applicant for a master's certificate shall be examined as an applicant for a journeyman's certificate is examined, and also upon his knowledge, training, and ability in the planning, laying out and supervision of electrical installation and construction work. Said written examination shall be administered by the Department of Buildings and Inspection, or such other department which may be assigned by ordinance of the City Council the duty of enforcing this Code, through an independent testing agency. The Building Official shall report to the Electrical Examining Board results of said written examination and the Electrical Examining Board shall forthwith issue a Master's certificate of registration to each applicant making a grade of seventy-five (75) or more on said examination; or
- (d) has a professional engineer's license issued by the State of Alabama Board of Registration of Engineers and Land Surveyors and possesses an Electrical Engineering degree from an accredited School of Engineering and meets the requirements of (c) above..

**111.3.6 Meeting of the Board.** Regular meetings of the Board shall be held forty (40) days prior to each examination set out below at the office of the Building Official in the City Hall Building. Special meetings of the Board may be called by the chairman at other times.

**111.3.7 Master Examination To Be Held.** Examination of applicants for master electricians' certificates shall be held on the second Saturday of March, June, September and December of each calendar year when a sufficient number of applicants are available for testing.

**111.3.8 Journeyman and Maintenance Examination To Be Held.** Examination of applicants for journeyman and maintenance electrician's certificates shall be held on the second Saturday of March, June, September, and December of each calendar year when a sufficient number of applicants are available for testing.

**111.3.9 Temporary Certificates.** Anything hereinabove to the contrary notwithstanding, however, it shall be lawful for the Building Official to issue a temporary journeyman's certificate of registration to any applicant who shall have paid to the Building Official an application fee of fifty dollars (\$50.00), and holds a valid unrevoked journeyman's card issued by another municipality with the same journeyman electrician

requirements as Birmingham, or who, in the opinion of the Building Official, has the necessary qualifications of a journeyman. The temporary journeyman electrician certificate of registration shall be valid only until the day the next journeyman examination is to be given. However, if the holder of the said temporary journeyman certificate shall make application for and shall be permitted to stand the examination, then said temporary journeyman certificate shall be extended to the day the Building Official reports the grade made on the examination. Furthermore, the Building Official may revoke the said temporary journeyman's certificate at any time and no more than one temporary journeyman's certificate can be issued to any one person.

**111.3.10 Reciprocity.** Anything hereinabove to the contrary notwithstanding, it shall be lawful for the Electrical Examining Board to pass upon the qualifications of every person who may apply in writing upon a form provided by the City, and who shall have presented to the Board a valid, current, unrevoked certificate of registration as a journeyman, maintenance, or master electrician issued by the Jefferson County Electrical Examining Board, the State of Alabama Electrical Contractors Board, or by providing proof as may be acceptable to the Board that the applicant has passed the same examination with the same requirements as the City of Birmingham (the burden of proof shall be the responsibility of the applicant) and/or making the required passing grade for journeyman, maintenance, and master electricians as provided in Sections 111.3.3, 111.3.4, and 111.3.5 herein; and who shall have paid to the Director of Finance the same fee as set out in Sections 111.3.3, 111.3.4 and 111.3.5 herein as appropriate to the type of certificate of registration for which application is made. The Electrical Examining Board may issue a journeyman, maintenance, or master's certificate of registration as appropriate, upon completion of the above.

**111.3.11 Apprentice Registration.** Any person who shall apply for registration as an apprentice electrician upon form provided for that purpose by the City, shall be registered as such by the Chief Electrical Inspector without examination for the next succeeding calendar year upon payment to the Director of Finance of a annual fee of ten dollars (\$10.00). Registered apprentices must provide at the time of renewal of registration the annual report documenting the hours worked for the past one-year period.

**111.3.12 Renewal of Certificate of Registration.** Every certificate of registration, whether master's or journeyman's, and whether original or renewal, shall be issued for only the calendar year in which issued and dated, and shall be of no force or effect in any subsequent calendar year. Any holder of an unrevoked and unsuspended master's certificate for the current or preceding five (5) calendar years shall be entitled to a renewal certificate without examination for the next succeeding calendar year upon payment to the Director of Finance of a renewal fee of fifty dollars (\$50.00) for each of the preceding and current years. It shall be unlawful for any person to engage in the business of master electrician or electrical contractor in any period in which he does not hold an unrevoked and unsuspended master's certificate. Any holder of an unrevoked and unsuspended journeyman's certificate for the current or preceding five (5) calendar years shall be entitled to a renewal certificate without examination upon payment to the Director of Finance of a renewal fee of twenty-five dollars (\$25.00) for each of the

preceding and current years. It shall be unlawful for any person to engage as a journeyman in any period in which he does not hold an unrevoked and unsuspended journeyman's certificate. A person may renew an unexpired registration by paying to the board before the expiration date of the registration the required renewal fee. If a person's registration has been expired for not longer than 90 days, the person may renew the registration by paying to the board the required renewal fee and a fee that is one-half of the examination fee for the registration. If a person's registration has been expired for longer than 90 days but less than two years, the person may renew the registration by paying to the board all unpaid renewal fees and a fee that is equal to the examination fee for the registration. If a person's registration has been expired for two years or longer, the person may not renew the registration. The person may obtain a new registration by submitting to re-examination and complying with the provisions for obtaining an original registration. Any holder of an unrevoked and unsuspended maintenance electrician's certificate for the current or preceding calendar year, shall be entitled to a renewal certificate without examination for the next succeeding calendar year, upon payment to the Director of Finance of a renewal fee of twenty-five dollars (\$25.00). It shall be unlawful for any person to engage as a maintenance electrician for any person, firm, company, or corporation in any period in which he does not hold an unrevoked and unsuspended maintenance certificate.

**111.3.13 Revocation and Suspension of Certificate of Competency.** The Electrical Examining Board shall have the power to revoke any certificate if, after fair hearing, it be found that any false statement was made in the application or that actual practice under such certificate has demonstrated to the satisfaction of the Board that the holder thereof does not possess the qualifications necessary for issuance of a certificate after examination as provided in Section 111.3.3, Section 111.3.4, and Section 11.3.5; and revoked certificate shall not be reinstated within thirty days and without examination as provided in Section 111.3.3, Section 111.3.4, and Section 111.3.5. The Board shall have power to suspend any certificate for a definite period not exceeding sixty days if, after fair hearing, it determines that the holder has been guilty of any violation of the laws of the City relating to the electrical installation or construction or of any clearly incompetent workmanship.

**111.3.14 Appeal From Action of Board.** Any person feeling aggrieved by action of the Electrical Examining Board in refusing to grant a certificate of competency, or in revoking or suspending a certificate already issued, may appeal to the Council of the City of Birmingham. Such appeal shall be taken within ten days from the date of the action complained of or by filing with the Board and with said Council a written notice of appeal, specifying the grounds thereof. Upon notice of appeal being filed with the Board, said Board shall forthwith transmit to said Council, over the signature of the Chairman of the Board, all of the papers constituting the record upon which the action appealed from was taken.

**111.4 Prerequisite to License.** The Director of Finance shall refuse to issue a license to any person to engage in the business of gas, plumbing, mechanical or electrical construction and installation, unless such person holds a valid unrevoked and

unsuspended master's certificate of competency, or certification of the Alabama State Board of Heating and Air Conditioning Contractors or has in his full-time employ a person who holds such master's certificate or certification. The Director of Finance shall also refuse to issue to any partnership a license to engage in such business unless said partnership shall have in its full time employ, or as a member, a person who holds such master's certificate or certification. The Director of Finance shall also refuse a license to any corporation which has not in its full time employ, a person who holds a masters certificate. Every such license shall stand suspended during any period in which the conditions requisite to issuance of a license do not prevail. Exception as required by 111.1.

**111.5 Duty of Employer.** No person, firm or corporation shall employ any person on any job in the capacity of a journeyman electrician, plumber or gas fitter except as permitted for utility gas fitters in the employ of a duly authorized franchised public (gas) utility company, unless such person shall have in his possession a valid journeyman's certificate of registration, issued to him as hereinabove provided in this Code.

**111.6 Unlawful To Do Business Without Certificate.** It shall be unlawful:

(a) For any person other than a holder of a certificate of registration as an apprentice electrician, plumber or gas fitter to do any electrical, plumbing or gas installation or construction work in the city; or

(1) for any holder of a certificate of registration to employ as an assistant in any such work any person other than a holder of a certificate of registration or the holder of a certificate of registration as an apprentice electrician, plumber or gas fitter; or

(2) for any holder of a certificate of registration to require a registered apprentice electrician, plumber or gas fitter to do any such work otherwise than under his direct supervision; or

(3) for any registered apprentice electrician, plumber or gas fitter to do any such work otherwise than while under the direct supervision of the holder of a certificate of registration; or

(4) for any holder of a maintenance electrician's, plumber's or gas fitter's certificate to make any alterations or additions to the wiring, plumbing or gas systems of the person, firm, company, or corporation by whom he is employed; or

(5) for an individual to do plumbing work upon his own premises, until he shall have demonstrated his qualifications to do such work by passing a satisfactory examination before the Building Official.

(b) To engage as a gas fitter or plumber for another person, firm or corporation while work is outstanding under permit issued to him while operating his own gas fitting or plumbing business.

(c) To engage in the business as gas fitter or plumber for himself while permits are outstanding on work issued to another under his signature while acting as Master Gas Fitter or Plumber for such company, firm or corporation.

(d) To engage as a gas fitter or plumber for any company, firm or corporation while permits are outstanding for any other company, firm or corporation issued under his signature as Master Gas Fitter or Plumber.

(e) To operate two or more gas fitter or plumbing businesses and act as Master Gas Fitter or Plumber for both at the same time.

(f) To be employed by two or more gas fitting or plumbing businesses at the same time while acting as Master Gas Fitter or Plumber for either.

(g) Anything herein to the contrary notwithstanding, it shall not be unlawful for any public utility corporation operating under a franchise from the city to transmit and sell electrical energy, or any employee of such public utility corporation to do any such work as a part of the public utility business of such corporation.

**111.7 Installation and Operation of Illegal Wiring of Equipment.** It shall be unlawful for any person, firm, or corporation to permit the installation of any electrical wiring, apparatus, or other appurtenances upon his premises, works, ways, machinery, or plant except in strict accordance with all provisions of this Code; it shall be further unlawful for any person to maintain, operate or attempt to operate any electrical wiring, apparatus, equipment, or other appurtenances in or upon his premises, works, ways, machinery, or plant which has not been installed in strict accordance with this Code.

**111.8 Vehicular Signs.** All trucks and similar vehicles used by electrical, plumbing, heating and gas contractors shall have on the body on both sides of same, the full name and telephone number of the firm to which it belongs. Lettering may be any color in contrast to the color of the body, but the firm's name must be in letters at least 2 ½ inches high.

**111.9 Bond Required of Electrical, Plumbing or Gas Contractors.** Before any person, firm, or corporation may engage in the business of installing, maintaining, or repairing electrical wiring, plumbing or gas apparatus and equipment, or excavating, or blasting as an Electrical, Plumbing or Gas Contractor within the City of Birmingham, he, it, or they, shall in addition to the requirements of competency, have a business license issued by the Municipal, City, and State authorities, also deposit with the Director of Finance and continuously maintain a good and sufficient bond in the sum of ten thousand dollars (\$10,000) to be approved by the Director of Finance, and made by surety company duly authorized to do business in Alabama. Said bond shall be conditioned that the person, firm, or corporation, to be known as the principal in said bond, shall faithfully observe all ordinances and laws of the City pertaining to said business or businesses, whether now or hereafter enacted, together with all rules and regulations established under the authority of said laws or ordinances; and shall perform in a workmanlike manner all work



undertaken by said principal in the prosecution of said business or businesses; and shall indemnify and save harmless the said City from all liability occasioned or arising from acts done or omitted by said principal, its servants and agents, in doing said work or from any unfaithful or inadequate work; and shall adequately safeguard all ditches and excavations which may be opened by said principal in the streets and highways of said City; and shall restore, or cause to be restored, in a workmanlike manner, to their former condition, all such portions of said streets and highways excavated by said principal, and pay the expenses thereof; and shall maintain said restored portions in a safe condition for the period of one year from the date of such excavation; and shall defend all suits brought against the City based, in whole or in part, upon any act or default for which said principal is responsible, and pay the costs and expenses thereof, and shall pay all such damages as any person, firm, or corporation may sustain by reason of violation of said laws, ordinance or regulations by said principal, its servants, or agents, in the prosecution of said business or businesses. Any person, firm, or corporation injured in person or property by reason of any violation of said laws, ordinances, or regulations by said principal, or by an act, default, or omission constituting a breach of any of the conditions of this bond, may maintain a suit or action thereon for such injury. Said bond shall also provide that it may be canceled by the surety by giving the Director of Finance thirty (30) days notice in writing prior to the date of cancellation. Failure to comply with this section shall be cause for immediate revocation of the business license of the said person, firm, or corporation after first granting said person, firm, or corporation the right to a public hearing before the City Council.

#### **111.10 Allowing One's Name, License, or Bond to be Used to Obtain Permit Fraudulently.**

No person, firm, or corporation engaged in the electrical, plumbing or gas business shall allow his, its, or their name to be used by any other person, firm, or corporation, directly or indirectly, to obtain a permit for the construction of any work under his, its, or their name, license or bond; nor shall he, it or they make any misrepresentations or omissions in his, its, or their returns. No person holding a Master's certificate shall represent two or more businesses as such nor shall he represent any other business as such while operating his own business.

### **112 APPROVED WIRING WITHIN THE FIRE DISTRICT**

Within the Fire District, referred to in Appendix D of the Building Code of the City of Birmingham, all wiring methods listed in the NEC shall be approved for use within the fire district, except those covered in Articles 334, 338, 362, 382, 394 and 398.

### **113 SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

## **114 VIOLATIONS AND PENALTIES**

Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, fire protection, electrical, elevator, escalator, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, elevator, escalator, fire protection systems, flammable liquid use or storage, electrical, gas, hazardous materials use or storage, mechanical or plumbing system, or conduct processes which produce hazards to life and property, in violation of a detailed statement or drawing submitted and permitted there under, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by Section 1-1-6 of the General Code of the City of Birmingham, Alabama, 1980.

## **ARTICLE II**

### **BUILDING CODE**

The provisions of the International Building Code 2003 Edition published by International Code Council as amended in Article I and herein shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures.

## **CHAPTER 4**

### **SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY**

Chapter 4 of the International Building Code is hereby amended by adding the Operating Features for each occupancy classification, as detailed by NFPA 101, 2003 Life Safety Code.

## **CHAPTER 7**

Section 707.14.1 of the 2003 ICC Building Code is hereby deleted and a new section 707.14.1 is hereby inserted as follows.

**707.14.1 Elevator lobby.** Elevators opening into a fire-resistance-rated corridor as required by Section 1016.1 shall be provided with an elevator lobby at each floor containing such a corridor. The lobby shall separate the elevators from the corridor by fire partitions and the required opening protection. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within this code.

### **Exceptions:**

1. In office buildings, separations are not required from a street-floor elevator lobby provided the entire street floor is equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.
2. Elevators not required to be located in a shaft in accordance with Section 707.2.
3. Where additional doors are provided in accordance with Section 3002.6. Such doors shall be tested in accordance with UL 1784 without an artificial bottom seal.
4. In other than Group I-3, and buildings more than four stories above the lowest level of fire department vehicle access, lobby separation is not required where the building, including the lobby and corridors leading to the lobby, is protected by an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1 or 903.3.1.2.
5. High Rise buildings shall have a one hour fire rated elevator lobby located at each elevator at every floor, except at the grade level.

Section 1004.3 of the 2003 ICC Building Code is hereby deleted and a new section 1004.3 is hereby inserted as follows.

**1004.3 Posting of occupant load.** Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent. The Building Official shall determine the occupancy load of the space or room and post the occupancy load on an approved form.

## **CHAPTER 13**

Delete chapter 13 without substitution.

## **CHAPTER 27**

Delete chapter 27 from the ICC Building Code in its entirety.

## **CHAPTER 32**

Delete chapter 32 from the ICC Building Code and the following Chapter 32 is substituted therefore:

### Chapter 32 ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

#### **3201.1 GENERAL**

Every projection of any character, except movable awnings over or upon public property, shall maintain a clear height above the sidewalk or ground level of not less than eight (8) feet except that certain walls, solar screens, and/or decorative screens shall maintain a clear height of ten (10) feet. The allowable project over public property shall not exceed the following measurements from the building:

Bay windows, porches, balconies, fire escapes -- 3 feet.

Curtain walls, cornices, belt courses, sills, plasters, water tables or any decorative feature -- 6 inches, except that decorative features used in conjunction with curtain walls may project twelve (12) inches.

Solar screens and/or decorative screens -- 2 feet. Where solar screens and/or decorative screens are installed, they shall have no loads imposed other than their own weight.

Upon written request, the Council of the City of Birmingham may grant a special revocable permit for the construction of a bridge or shed across an alley or street connecting two buildings provided the bridge or shed be of Type IIB, Noncombustible Construction. Said bridge or shed shall not interfere with the use and purpose of the public alley or street and shall meet all of the following conditions:

1. The maximum width shall not exceed twenty-five (25) feet.
2. The minimum height above alley or street grade shall be sixteen (16) feet.
3. Separation shall be provided from adjoining buildings by minimum of 2-hour fire-rated walls and 1 ½-hour fire doors.
4. Openings in the building wall which are 10 feet horizontally or vertically from the walkway shall be protected by approved three-quarter hour fire resistance-rated automatic opening protectives.

5. The maximum height above grade shall be limited to three stories or 40 feet or five stories or 55 feet when sprinklered.

### **3201.2 SIDEWALK OR STREET OBSTRUCTIONS**

Public property shall be maintained clear of any and all obstructions, including among others, posts, and columns, unless approved by the Department of Planning and Engineering.

**Section 3303 of the IBC is hereby deleted and a new section 3303 is hereby substituted.**

## **SECTION 3303 MOVING OF BUILDINGS AND DEMOLITION OF BUILDINGS**

### **3303.1 GENERAL**

No building or part of any building shall be moved through or across any sidewalk, street, alley, or highway except as provided in the Code of Alabama 1975, or be wrecked, demolished, or otherwise torn down within the City Limits without first obtaining a permit from the Building Official. Failure to obtain the permit is a violation of this Code. Applicants are responsible for complying with State Of Alabama Code Act 94-487 which references the locating of underground utilities.

- (a) **Class I Demolition** - The demolition of any building or structure or part thereof of two (2) stories or less and 100,000 cubic feet or less in volume.
- (b) **Class II Demolition** - The demolition of any building or structure or part thereof of more than two (2) stories or more than 100,000 cubic feet in volume.
- (c) **Building moving permits.**

### **3303.2 WRITTEN APPLICATION MUST BE FILED FOR A BUILDING RELOCATION PERMIT**

- (a) Any person desiring to move a building shall first file with the Building Official a written application setting forth the following information:
  - (1) Type and kind of building to be moved.
  - (2) The original cost and present assessed value as determined by the county tax assessor of such building.
  - (3) The extreme dimensions of the length, height, and width of the building.

(4) Its present location and proposed new location by street numbers, and by metes and bounds, or, if subdivided, by lot, block and subdivision or parcel identification Number

(5) The approximate time such building will be upon the streets and the proposed route that will be taken from present location to new location.

(6) Information showing the availability of public liability coverage to the extent hereinafter required.

(b) Any person desiring to wreck, demolish, or otherwise tear down a building or structure or part thereof shall first file with the Building Official a written application setting forth the following information:

(1) Type and kind of building to be wrecked, demolished, or otherwise torn down and if partial demolition, detailed description of the portion to be demolished.

(2) Extreme dimensions of the length, height, and width of the building.

(3) Its present location by street numbers, and by metes and bounds, or, if subdivided, by lot, block, and subdivision or parcel identification number.

(4) The present location of the building with relation to streets, sidewalks, and other adjacent public ways.

(5) Information showing the availability of public liability coverage to the extent hereinafter required.

(6) Environmental Service Permit verifying that the sewer was plugged.

(7) Soil Erosion Permit when determined by the building official.

### **3303.3 SEWERS AND UTILITIES**

(a) No work shall be commenced to demolish any building or structure until all utilities have been disconnected by the respective utility companies and the building sewer plugged through Jefferson County Environmental Services, inspected and approved. Except, that when it can be proved to the Building Official that the plugging of the sewer is not possible or feasible prior to beginning work, he may give written permission to proceed with the demolition work in such manner and under such provisions as he may determine to be necessary to properly protect the sewer system of the City of Birmingham.

(b) No work shall be commenced to prepare any building for moving until all utilities have been disconnected by the respective utility companies, and no work shall be accomplished except that work necessary to raise and load the building on house moving equipment until the building sewer has been plugged, inspected, and approved through Jefferson County Environmental Services or other authorized agent. In no case shall the building drain be disconnected or broken in such a manner as to allow dirt, debris, or surface water to enter the sewer system of the City of Birmingham. A building being moved shall have the address it is being moved from attached.

(c) Failure to disconnect utilities as required is a violation of this Code.

#### **3303.4 BUILDING OFFICIAL SHALL REJECT WHEN**

If, in the opinion of the Building Official, the moving of any building will cause serious injury to persons or property, or serious injury to the streets or other public improvements, or the building to be moved has deteriorated more than twenty-five percent by fire or other element, or the moving of the building will violate any of the requirements of this Code or of the Zoning Regulations of the City, the permit shall not be issued and the building shall not be moved over the streets of the City. Any building being moved for which permit was granted shall not be allowed to remain in or on the streets, alleys, highways, right of way, side walks or any property of the city of the City for more than six (6) hours.

#### **3303.5 BOND REQUIRED**

(a) The Building Official, as a condition precedent to the issuance of a permit to move a building, shall require a bond in the minimum amount of Five Thousand Dollar (\$5,000.00), or an amount as otherwise determined by the Building Official depending on location and size of the structure, to be executed by the applicant desiring such removal permit with corporate surety authorized to engage in the business of writing surety bonds in the State of Alabama. Such bond shall name the City as obligee and shall indemnify the City against any damage caused by the moving of such building to streets, curbs, sidewalks, shade trees, highways, sewers, and any other City property which may be affected by the moving of the building and provide for the cost of moving buildings which are deposited in locations other than the permitted location. Such surety bond shall also be conditioned upon and liable for the strict compliance with the terms of said permit as to the route to be taken and limit of time in which to effect such removal and to clear the lot on which the building was situated of all debris occasioned by its removal, and to repair or compensate for the repair of any damage to City property or public improvements, and to pay said City, as liquidated damages, the amount of Fifty Dollars (\$50.00) Five Hundred Dollars (\$500.00) for each and every twenty-four hour period or part thereof such building remains upon a public street, alley, highway, right of way, sidewalk or property of the city or unapproved location in excess of six hours; provided, however, that in lieu of a separate bond for each permit, a bond conditioned as above provided and issued by a corporate surety as hereinabove provided, in an amount of not less than Ten Thousand Dollars (\$10,000) may be accepted by the Building Official to cover all such permits issued to the principal named therein during the time such bond remains in force and effect; and provided further that the amount of such bond shall at all times be in an amount which is not less than Five Thousand Dollars (\$5,000.00) multiplied by the number of such permits issued to said principal within the immediately preceding thirty (30) days; and provided further that the Building Official may require of the principal an increase in the amount of any bond whenever, in his opinion, additional security is required to protect the City.

(b) The Building Official, as a condition precedent to the issuance of permit to wreck, demolish, or otherwise tear down a building, shall require a bond in the minimum amount

of One Thousand Dollars (\$1,000.00) to be executed by the applicant desiring such demolition permit with corporate surety authorized to engage in the business of writing surety bonds in the State of Alabama. Such bonds shall name as obligee the City and shall indemnify the City against any damage caused by the demolition of such buildings to streets, curbs, sidewalks, shade trees, highways, sewers, and any other City property which may be affected by the demolition of such buildings. Such surety bond shall also be conditioned upon and liable for strict compliance with the terms of said permit as to the time in which to affect such demolition, and to repair or compensate for the repair of any damage to City property or public improvements, and in clearing all public streets, alleys and highways, and in cleaning and clearing the lot on which the building was demolished, of all debris occasioned thereby; provided, however, that in lieu of a separate bond for each such permit, a bond conditioned as above provided and issued by a corporate surety authorized to write surety bonds in the State of Alabama to cover all such permits issued to the principal named therein during the time such bond remains in force and effect; and provided further that the amount of such bond shall at all times be in an amount which is not less than One Thousand Dollars (\$1,000.00) multiplied by the number of permits issued to said principal within the immediately preceding thirty (30) days; and provided further that the Building Official may require of the principal an increase in the amount of any such bond whenever, in his opinion, additional security is required to protect the City.

- (c) Failure to obtain the required bonds is a violation of this Code.

### **3303.6 PUBLIC SAFETY REQUIREMENTS**

- (a) **Lights Required**

Every building which occupies any portion of public property after sundown shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public. Failure to provide the lights will be a violation of this Code.

- (b) **Number and Location**

There shall be a minimum of five (5) red lights placed on each street side of the building; such red lights shall be attached to the building in such a fashion as to indicate extreme width, height, and size. Failure to provide the lights will be violation of this Code.

- (c) **Escort Flagmen Required**

When a building is moved between sunset and sunrise, or when, in the opinion of the Building Official, flagmen are necessary to divert or caution traffic, the person, firm, or corporation moving such building shall employ, at their expense, two flagmen, one of which must be a policeman in uniform having full police power within the City of Birmingham. One flagman must be stationed at the intersections immediately ahead of and behind the building. The flagmen shall remain at these intersections diverting and cautioning traffic from sunset to sunrise. Red lights shall be employed in flagging traffic at night. Failure to provide the flagmen will be a violation of this Code.



**(d) Report Required**

The person, firm, or corporation having moved a building is hereby required to report the move to the Building Official by 10 o'clock A.M. on the morning after the building is moved or if the Building Official's office is closed, the report must properly identify the building, the time it was placed on the lot or reached the City Limits of Birmingham. Said report shall indicate any and all damages as a result of the moving of the building. It shall be required that this report be confirmed in writing, on forms furnished by the Building Official, within not less than 48 hours after the report is given to the Building Official as herein required, and it shall be duly signed by the persons, firm, or corporation who moved the building and the policeman in uniform who escorted the move. Failure to provide this report as required is a violation of this Code.

**(e) Duties of Police Escort**

It shall be the duty of the policeman in uniform who escorts any house moved through the streets of the City of Birmingham, to first determine that the person, firm, or corporation moving the building has been issued a valid building permit from the City of Birmingham to move said building, and that it is being moved along the route designated in said permit and that it is being moved within the time limit stipulated on said permit. Failure of the applicant to insure police escort is a violation this Code.

**(f) Minimum Liability Insurance Required:**

Anything herein to the contrary notwithstanding, no work shall be performed under a permit to move a building, or a permit to wreck, demolish, or otherwise tear down a building requiring Class II demolition permit, during any period of time when there is not in full force and effect a public liability insurance policy written by an insurance company authorized to write policies of liability insurance in the State of Alabama, covering the applicant, and the applicant's servants, agents, and employees, with minimum coverage of Fifty Thousand Dollars (\$50,000) for property damage and One Hundred Thousand Dollars (\$100,000.00) for personal injury or death of one person and with Two Hundred Fifty Thousand Dollars (\$250,000.00) as liability coverage resulting from any one accident. The applicant shall deliver to the Building Official, prior to beginning of any work under any such permit, a Certificate of Insurance showing the existence of such coverage, which Certificate shall contain a provision that the insurance coverage shall not be canceled without at least five (5) days prior notice thereof being given by the insurance company to the Building Official. Failure to obtain and maintain required insurance is violation of this contract.

**(g) Lot Preparation**

Where a building or structure has been demolished or removed from any lot, it shall be the responsibility of the holder of the demolition or house move permit to repair the lot to a safe and sanitary condition. These repairs shall meet the approval of the Building Official or his agents, and shall include, but not be limited to, the following:

1. Remove all organic material, trash and weeds from the premises.

2. All basements, cavities, pits or other similar conditions shall be filled with inorganic material. All such fill material shall have a minimum cover of 8 inches of earth.

3. All concrete slabs shall be removed and the lot shall be graded to a reasonably smooth finish and filled so that no surface water will stand.

4. Septic Tanks shall be dismantled according to Jefferson County Health Department Regulations.

Failure to prepare the lot as required is a violation of this Code.

### **3303.7 IMPROVEMENTS BY OWNER**

The owner of any house, building, or structure proposed to be moved shall make all necessary improvements required in order for said house, building, or structure to comply with the requirements of this Code within 90 days from the date of the issuance of the moving permit. Extensions of such time as deemed reasonable may be granted by the Building Official upon a showing of delay caused by matters beyond the control of the owner or house mover. The application for the moving permit shall be accompanied by an application for a building permit, accompanied by complete plans and specifications showing the changes or conditions of said house, building, or structure as the same is proposed to be when moving, and all contemplated improvements, signed by the owner or the owner's agent.

### **3303.8 UNAPPROVED BUILDING MOVES.**

Any house, building, or structure moved to an unapproved location will be subject to the emergency procedures provided to the Building Official and subject to the removal or demolition by the City of Birmingham. Costs of such removal may be recovered from salvage of the structure and associated moving equipment, insurance or bonding as required herein. Any contractor performing such moves will be denied any additional moving permits for a period of one year or be subject to section 114 where each and every day shall be considered a separate violation.

## **SECTION 3107**

### **Signs**

Section 3107 of the 2003 ICC Building Code is hereby deleted and a new section 3107 substituted as follows:

**3107.1.3 Permits** (Subsection 3108.1.3 is hereby deleted and the following subsection 3108.1.1 is substituted therefore)

(a) No "Outdoor Advertising Display Sign" shall hereafter be erected, constructed, altered, or maintained except as provided in this Code, until after permit for the same has

been issued by the Building Official as specified in Article I and the fee paid as specified in Article VIII, Fees.

(b) Exemption--No permit fee shall be required for a sign advertising property for sale or rent, provided such sign is not over fifteen (15) feet in area and located on the same premises.

**3107.1.10 Signs Projecting over Public Property** (Subsection 3108.1.10 is hereby deleted and the following subsection 3108.1.10 is substituted therefore)

Signs projecting from a building or extending over public property shall maintain a clear height of ten (10) feet above the sidewalk and all such signs shall not extend more than two-thirds the width of the sidewalk measured from the building line.

## **CHAPTER 33 SITE WORK, DEMOLITION AND CONSTRUCTION**

(add subsection 3311.5 as follows:)

### **3311.5 Soil Erosion and Sediment Control**

Construction sites involving grading or excavations shall provide erosion control using filter fabric and silt anchor/gauges properly anchored, to prevent blowout conditions unless otherwise approved by the Building Official. Filter fabric shall be installed with posts not to exceed 10 Feet on center and placed in a 6" deep trench and backfilled. Anchors/gauges shall be installed between posts and be gauged to clearly indicate correct depth placement. Anchors/gauges shall be self locking, non-corrosive and constructed with a 2 1/2-3 1/2 inch diameter base and a minimum height of 7 1/2 inches.

## **APPENDIX "D"**

Appendix D of the 2003 International Building Code is hereby adopted.

Section D101 of Appendix D is hereby deleted with no substitution.

## **FIRE DISTRICT BOUNDARY**

For the purpose of this Code, the Fire District within the City of Birmingham established by Ordinance is as follows:

Beginning at the intersection of 11th Avenue North and 17th Street North; then East along 11th Avenue to 25th Street North; then South along 25th Street to 10th Avenue North; then East along 10th Avenue to the Red Mountain Expressway; then South along the Red Mountain Expressway to 8th Avenue South; then West along 8th Avenue to 22nd Street South; then South and East along 22nd Street to Highland Avenue Alley to 21st Place South; then South along 21st Place to 15th Avenue South; then West along 15th Avenue to 19th Street South; then North along 19th Street to 12th Avenue South; then West along 12th Avenue to 15th Street South; then North along 15th Street to 11th Avenue South; then West along 11th Avenue to 8th Street South; then North along 8th

Street to Interstate 65; then North along Interstate 65 to 8th Avenue North; then East along 8th Avenue to 17th Street North; then North along 17th Street to 11th Avenue North and the point of beginning.

### 3. INTERNATIONAL FUEL GAS CODE

This amendment deletes section 401.5. of the IFGC, 2003 ed.;

Replace with revised section as follows:

**401.5 Identification.** *All piping 2-PSI and higher shall be marked at the beginning, all ends and not less than 5 feet intervals along the length, designating the gas pressure.*

*For low pressure piping, other than black steel pipe, exposed piping shall be identified by yellow label marked "GAS" in black letters. The marking shall be spaced at intervals not exceeding 5 feet (1524 mm).*

## ARTICLE III

### PERMIT AND INSPECTION FEES

#### GENERAL

In calculating permit fees, the minimum charge for any permit will be no less than twenty-five dollars (\$25) regardless of the amount hereafter indicated for individual items. Belated billing charges shall be double the regular fee but in no case less than double the minimum indicated above.

<b>For permits not provided .....</b>	<b>\$25.00</b>
<b>Permits for temporary installations .....</b>	<b>\$25.00</b>

#### Reinspection fees

(When necessitated by faulty materials, equipment, apparatus or workmanship)

<b>Per inspection .....</b>	<b>\$50.00</b>
<b>All additional reinspections, each.....</b>	<b>\$25.00</b>
<b>Address correction.....</b>	<b>\$10.00</b>
<b>Consultation Fee.....</b>	<b>\$25.00</b>
<b>Delayed Inspection Fee.....</b>	<b>\$25.00</b>

**Belated Billing Fee** -- a belated billing fee shall be a second billing for work or services where more

than 30 days have expired since the date of the  
original fees due notice ..... \$25.00

**Weekends or After Hours Inspections:**

Fees for after-hours or weekend inspections shall be in addition to all other fees. The minimum fee shall be \$40.00 for the first hour of portion thereof, plus \$50.00 for each additional hour or portion thereof. Travel time will be added to the inspection time. When not in conjunction with normal working hours (weekend/holidays), the minimum fee shall be \$200.00 for the first four hours or portion thereof.

**Refunds of the permit fee:**

The Director of Finance of the City of Birmingham is authorized to make refund of amounts paid for permits issued under this Code at any time within ninety (90) days after the issuance of said permits provided the Director of the Department of Planning, Engineering and Permits, or such other department which may be assigned by ordinance of the City Council the duty of enforcing this Code, certifies to said Director of Finance as follows:

(a) That the permit for which the refund is requested has been canceled and no work begun there under and the permit was issued in error by the City, not the Applicant; or

(b) That the inspection for which a refund of fee theretofore paid is requested, has not been made and is not to be made. Any refund made under the provision of this section shall be subject to an administrative charge of one hundred (\$100.00), which amount shall be deducted from the amount of refund. Unless a written request and the permit holder's copy of the permit has been submitted to the Director of the Department of Buildings and Inspection, or such other department which may be assigned by ordinance of the City Council the duty of enforcing this Code, within ninety (90) days from the date of issuance of such permit, no refund will be made.

(c) **Fire Permits** (see Article V): That the inspection for which a refund of fee theretofore paid is requested, has not been made and is not to be made. Any refund made under the provision of this section shall be subject to an administrative charge which shall be the Fire Permit fee as set out in Article V, Fire Permit Fees, which amount shall be deducted from the amount of refund. A written request and the permit holder's copy of the permit has to be submitted to the Fire Official within ninety (90) days from the date of issuance of such permit, or no refund will be made.

**Revised Plans**

A minimum fee of \$25.00 for a maximum of three pages, plus \$5.00 for each additional page shall be paid for the submittal of revised plans after a permit is issued and shall be in addition to any other required fees.

**Investigations:**

For investigations or inspections necessary to determine compliance with other codes and ordinances of the City of Birmingham when required by law and a fee schedule is not otherwise established a minimum fee--of \$100.00

**Records Research**..... \$25.00 minimum fee  
plus \$25.00 per hour or part thereof after.

**Building Permit fees:**

Building permit fees shall be determined at a rate of \$8.50 per \$1000 valuation When such a permit is issued, no fees shall be charged for gas, plumbing, electrical, elevator, sprinkler or mechanical permits issued for the construction of the building. This does not include other fees required by other departments or agencies.

**BUILDING PERMIT FEES  
FEE SCHEDULE**

**Heating apparatus, incinerators, boilers burning solid  
or liquid fuel and air conditioners, or  
evaporator air coolers** ..... See Building permits

**Awnings** ..... See Building permits

**Suppression and Fire Detection Systems** ..... See Building permits  
Fire Sprinkler Systems, Fuel Tanks, Fire Alarm Systems, and Fire Extinguishing Systems

**Gasoline Dispensers**

Permit to install a gasoline dispenser/meter..... \$50.00

**Reinspection fee on a new gasoline dispenser installation shall be the same as the  
cost of the original permit.**

**Signs**

Permit to erect a sign of any type unless otherwise specified..... \$50.00

Permit to erect a roof sign .....\$75.00

To animate or make any sign spectacular  
additional fee.....\$25.00

Off-premises Outdoor Advertising Sign--a non-refundable fee  
of \$100.00 per structure payable at time of application.

**Moving of Buildings**

Permit to move a building through or across any public street, alley, or highway .....\$200.00

**New Certificate of Use & Occupancy**

Applications for a new Certificate of Use & Occupancy when the occupancy of any building or structure is changed or when a building or structure has been condemned by City Council shall require the payment of a \$50.00 inspection fee at the time of application unless a building permit for alterations exceeding \$10,000 is issued.

**Duplicate Certificate of Use & Occupancy**

For the issuance of any duplicate Certificate of Use & Occupancy .....\$75.00

**Tents**

Permits for a temporary commercial or assembly tent--thirty-day maximum ..... \$25.00

**Portable Ground Signs**

An annual fee of \$50.00 shall be paid for all portable signs and the fee for the first year shall be paid at the time of permit issuance and shall be in addition to all other fees.

**Parking Lots**

For the installation of commercial parking lots and off-street parking areas when the installation is not included as a part of an active building permit ..... See Building Permits  
(Exception: off-street parking areas for one and two family dwellings.)

**Temporary structures, other than for construction**, \$50.00 for each six-month period of approval.

**Partial permits** (Article I-Sec. 103.4.4), \$50.00 plus the fee for the Building permit.

**Demolition Permit**

Class I Demolition .....\$25.00  
Class II Demolition ..... \$0.25 per 1,000 cubic feet  
(\$50.00 minimum)

**PLUMBING PERMIT FEES****PLUMBING FIXTURES****Plumbing Fixture (Direct Connection).**

Each plumbing fixture directly connected to the building drainage

system includes: roughing, setting, the individual fixture water supply and its connection to the building water service or building water distribution system .....\$6.00 each  
**(See Specialty Fixture Exceptions)**

**Plumbing Fixture (Indirect Connection).**

Each plumbing fixture discharging to the drainage system by indirect waste including the individual fixture, water supply and its connection to the building water services or building water distribution system. (Note 7).....\$6.00 each

**Plumbing Fixture (Rough-In-Only).**

Each plumbing fixture rough-in-only (includes applicable capped individual fixture water supply). Prior approval required .....\$6.00 each  
**(See Specialty Fixture Exceptions)**

**Plumbing Fixture (Connection No Roughing).**

Connect to existing roughing: includes each plumbing fixture replaced, or the installation of new fixture connected to approved roughing provided for above .....\$6.00 each  
**(See Specialty Fixture Exceptions)**

**Plumbing Fixture (Removal).**

Fixture removal includes each plumbing fixture removed and the drain and water supply plugged or capped to eliminate dead ends. A separate permit is not required when a permit has been obtained for replacement of the applicable fixture and the fixture is removed for replacement (without re-roughing) by the permit holder or when the building is covered by a demolition and sewer plug permit. Permits issued for the removal of a fixture shall not apply to any fixture required by Section 922 or when the fixture is required to wash the base of vent, such removal is prohibited.....\$2.00 each

**SPECIALTY FIXTURE EXCEPTIONS**

**Back-flow preventers.** Each back-flow preventer when installed subsequent to or when serving more than a single fixture or outlet (each device must meet applicable A.S.S.E. standards).....\$6.00 each

**Clothes Washer connections (residential)**.....\$6.00 each

**Clothes Washer connections (commercial)**.....\$6.00 each

**Dish Washers (commercial installations)** .....\$7.00 each

**Dish Washers (residential installations)**.....\$6.00 each

**Faucets, Hose Bibs, Yard Hydrants and Similar Items when not a part of a fixture** (except replacements which are considered minor repairs).....\$6.00 each

**Fixtures in Construction toilets**--each fixture.....\$6.00 each  
(includes sewer plug at end of construction)



<b>Floor Drains</b> (other than indirect waste receptors).....	\$6.00 each
<b>Garbage Grinders (Residential)</b> .....	\$6.00 each
<b>Garbage Grinders (Commercial)</b> .....	\$6.00 each
<b>Gravity Storage Tanks (Potable Water)</b> .....	\$3.00 each
<b>Hot Water Storage Tanks (separate from heater)</b> .....	6.00 each
<b>Hydro-Pneumatic Tanks (Potable Water)</b> .....	\$6.00 each
<b>Indirect Waste Receptors</b> .....	\$6.00 each

**Lawn sprinkler and other types of irrigation systems (each connection to the water service or the building water distribution system)**

\$10.00 plus

\$2.00 per sprinkler head

**Oil or Grease Separators**

(separate from fixture trap).....\$5.00 each

**Relief valves when replaced or when installed subsequent to a water heater**

**or a hot water storage tank** .....

\$5.00 each

**Sewage Ejectors** .....

\$7.00 each

**Solids Separators** .....

\$5.00 each

**Sump Pumps** .....

\$5.00 each

**Swimming pools, ornamental fountains or pools (Water supply from connection**

with water service or building distribution system-drainage room pool to

storm sewer or other approved terminal) .....

\$6.00 each

**Water heaters (gas or electric)** .....

\$6.00 each

**Water heaters (alternate energy source or heat reclaim devices)**

**special approval required**.....

\$10.00 each

**Water Pumps** .....

\$6.00 each

**Water Treatment devices** .....

\$6.00 each

**SEWER AND DRAINS**

**Sewer Plug** (other than provided for temporary construction toilets).....\$10.00 each

**Sewers. Building Sanitary Sewer and Connection to**

Public Sewer and Building Drain (Note 1,5,8,10 .....

\$10.00 each

**Sewer Repairs** (relocation same as new sewers) .....

\$10.00 each

**Building Sanitary Sewer and/or Building Drain to be connected to**

**Septic Tank Inlet or other Disposal System** approved by the Health Authority .....

\$10.00 each

**Building Drain: Each connection to a Building**

Sanitary Sewer in excess of that provided for above.

(Note 1,8,9) .....

\$6.00 each

**Area Drains (Private connection to a building storm sewer)**

Each inlet.....

\$6.00 each

**Roof Drains and Interior Roof Drain Piping**

(each roof inlet).....

\$6.00 each

**Building Storm Sewers to applicable approved terminal**

or connection to approved public storm sewers.....

\$6.00 each

## **WATER SERVICES AND WATER DISTRIBUTION**

<b>Water Service Pipe</b> (main to meter) (water lateral) .....	\$10.00 each
<b>Water Service Pipe</b> (meter to building or other approved terminal) (Note 3).....	\$10.00 each
<b>Water Distribution Piping</b> (Note 27) (in building)	
First Outlet .....	\$6.00 each
Each additional outlet. (Note 6). ....	\$6.00 each
<b>Non-Potable Water Service and/or Distribution Piping from source of supply to each outlet</b> (exact use must be approved prior to installation) (Note 4) .....	\$6.00 each

## **SERVICE CHARGES**

<b>Sewer Tap Fee</b> (Service charge).(Note 5).....	\$100.00
<b>Each Inspection in excess of six (6)</b>	
<b>per \$100 of permit fee</b> .....	\$6.00 each
<b>Mobile Home Park Sewers and Site Plumbing</b>	
<b>Trailer House Trap</b> (Note 14) .....	\$6.00
<b>Trailer (Unit Site) Sewer</b> (Note 18, 20).....	\$6.00
<b>Trailer (Unit Site) Water Outlet.</b> (Note 17,19,20) (each outlet) .....	\$6.00
<b>Trailer Park Sewer</b> (Note 15, 16, 17, 20, 21).....	\$10.00

**NOTE 1** For public sanitary sewers, public manholes, public catch basins and public storm sewers (permits and approval must be obtained from the Department of Planning and Engineering).

**NOTE 2** Applicable to replacement only. Original Installation is covered under fixture permit fee.

**NOTE 3** Includes water from well or other Health Department approved source of potable water when a public supply is not available. Written approval required prior to permit being issued (must accompany application for permit).

**NOTE 4** See Section 1201.3.

**NOTE 5** Sewer tapping fee, when applicable is an addition to permit fee and includes the sewer tap.

**NOTE 6** Separate permit required for each fixture or piece of equipment connected to capped outlet.

**NOTE 7** Includes required individual fixture back-flow protection.

**NOTE 8** See definition of building sewer.

**NOTE 9** See definition of building drain.

**NOTE 10** Permit fee does not include any special charge such as assessments which may be required.

**NOTE 11** See Section 106.7.

**NOTE 12** A belated Billing Charge shall be a second billing for work or services where more than 30 days have expired since the date of the original Fees Due Notice.

**NOTE 13** See Section 106.8.

**NOTE 14** Includes drainage piping etc., to five feet down stream of vent. The individual trailer site sewer begins at this point.

- NOTE 15** Does not include public sewer.
- NOTE 16** Branch sewer to which are connected two or more individual unit site sewers or trailer/house traps.
- NOTE 17** Each individual branch connection provided for.
- NOTE 18** Includes pipe from five feet down stream of a house trap to the public or park sewer.
- NOTE 19** Includes the required backflow preventer for the individual trailer, supply outlet and the supply piping between the meter to the individual trailer (unit site).
- NOTE 20** For installations in trailer parks, drawings required as provided for in Article III- Appendix ``C". Drawings must show the park sewer and water system and the location of all buildings and all unit sites etc.
- NOTE 21** For additional information regarding mobile homes, see Article III- Appendix ``C."

\*Water heaters shall include electric water heaters but no wiring thereto. All wiring must be accomplished by an electrical contractor under permit from the Electrical Division of the Department of Planning and Engineering. Gas fired water heaters may be installed by the plumbing contractor under authority of the plumbing permit provided gas piping not to exceed ten feet (10') total developed length is installed and provided the unit is individually vented. All gas work is subject to and shall be installed in accordance with the provisions of this Code.

\*\*See Section 1508

\*\*\*See definition of Plumbing Fixtures, Article III-Section 202.

## **GAS PERMIT FEES**

Accessories such as valves, pilots and miscellaneous single items when performing a different function or operating in a different manner from parts of the original installation shall be covered as general repairs except when listed separately in the following schedule.

**General repairs each appliance** .....\$10.00

### **Each consumer piping system**

Capped outlets to within 4 feet of the equipment locations or hose cocks for laboratory bunsen-type burners or similar equipment when approved. Separate outlet permit not required for appliances connected under permit if appliance is initially included in permit application and installed by same contractor. Includes appliance connection only when outlet is a replacement for existing connected equipment (appliance).

First Outlet .....\$6.00  
Each Additional Outlet.....\$2.00

### **Yard Line (each building)**

First connection.....	\$6.00
Each Additional Connection.....	\$2.00

**Mobile Home Site Outlet.....\$6.00**

(Piping from point of delivery to and including connection  
to the mobile home piping inlet riser. (Also see Section 315.)

Connection of appliances, fixtures, etc. to approved consumer piping outlets.  
Equipment permit required as hereinafter listed.

## **SEE REQUIREMENTS OF BUILDING CODE FOR COMBINATION COOLING AND HEATING EQUIPMENT.**

**Water Heaters .....\$12.00 each**

**Ranges - Hotel and Restaurant .....\$12.00 each**

### **Comfort heating appliances, commercial and industrial gas-fired equipment, and residential appliances other than water heaters and ranges:**

Up to 50,000 BTU input .....	\$6.00 each appliance
50,001 thru 65,000 BTU input .....	\$12.00 each appliance
65,001 thru 150,000 BTU input .....	\$15.00 each appliance
150,00 thru 300,000 BTU input .....	\$18.00 each appliance
Over 300,000 BTU input .....	\$20.00 each appliance

### **Special Draft Control Equipment(Addition or replacement)**

<b>Automatic Vent Dampers .....</b>	<b>\$12.00 each</b>
<b>Induced draft fans .....</b>	<b>\$12.00 each</b>
<b>Barometric Dampers .....</b>	<b>\$12.00 each</b>
<b>Draft Control Switches.....</b>	<b>\$12.00 each</b>

### **Vents**

Gas appliance vent pipe when installed for connection by others under separate required appliance permit.....	\$12.00 each
General repairs (includes vent replacement).....	\$12.00 each

### **Liquefied Petroleum Gas Tanks, Containers and Dispensing equipment**

<b>Approved I.C.C. Containers .....</b>	<b>\$6.00 each</b>
<b>Approved 0 to 500 water gallon capacity containers .....</b>	<b>\$12.00 each</b>
<b>Approved 501 to 1200 water gallon capacity containers .....</b>	<b>\$15.00 each</b>
<b>Containers over 1200 water gallon capacity, when authorized.....</b>	<b>\$20.00 each</b>
Plus \$5.00 each additional 1000 gallon capacity or fraction thereof	

**Pumps .....\$5.00 each**

Vaporizers .....	\$5.00 each
Surge Tanks.....	\$5.00 each
L.P. Yard Line included with consumer piping (except replacement)	

### **Inspections**

In excess of six inspections per \$100 of permit fee (except special construction) .....	\$10.00
--	---------

### **Gas Plans Re-Examination Fee**

Minimum.....	\$10.00
Over one sheet- Each Sheet .....	\$5.00

Hot water heaters may be installed under permits as provided above when the installation of not more than 10 feet of water piping is required to connect to an existing water distribution system and where no additional water piping is required to supply fixtures and/or hot water storage tanks not integrally assembled with the gas burner or heater. For remote hot water storage tanks, distribution, circulating and flow piping, plumbing permit required.

See Section 104.2

Application and separate permit required for work in each consumer system from the point of delivery, and/or the service piping when approved for construction in buildings.

## **ELECTRICAL PERMIT FEES**

### **WIRING TO OUTLETS**

1 to 20 outlets .....	\$8.00
21 to 40 outlets .....	\$10.00
41 to 60 outlets .....	\$12.00
61 to 80 outlets .....	\$14.00
81 to 100 outlets .....	\$16.00
101 to 200 outlets .....	\$25.00
201 to 500 outlets .....	\$50.00
501 to 1000 outlets .....	\$100.00
1001 outlets and over .....	\$150.00

### **INSTALLATION OF FIXTURES**

(Not including wiring to outlets)

1 to 20 fixtures .....	\$8.00
21 to 40 fixtures .....	\$10.00
41 to 60 fixtures .....	\$12.00
61 to 80 fixtures .....	\$14.00
81 to 100 fixtures .....	\$16.00
101 to 200 fixtures .....	\$25.00
201 to 500 fixtures .....	\$50.00
501 to 1000 fixtures .....	\$100.00

**1001 fixtures and over.....\$150.00**

**CONTROLS, ALARMS, TELEPHONES, SIGNALING, SOUND, AND CATV  
SYSTEMS**

**PER EACH CATEGORY OR TYPE (WIRING TO OR INSTALLATION OF  
SENSORS, DETECTORS, STATIONS)**

**1 to 20 \$8.00**

**21 to 40 .....\$10.00**

**41 to 60 .....\$12.00**

**61 to 80 .....\$14.00**

**81 to 100 .....\$16.00**

**101 to 200 ..... \$25.00**

**201 to 500 .....\$50.00**

**501 to 1000 .....\$100.00**

**1001 and over.....\$150.00**

**WIRING FOR AND/OR INSTALLATION OF U.L. LISTED PRE-WIRED  
EQUIPMENT NOT OTHERWISE SHOWN ON THE FEE SCHEDULE**

**Each circuit-**

**20 amperes and under.....\$7.00**

**21 to 30 amperes.....\$9.00**

**31 to 60 amperes.....\$10.00**

**61 to 150 amperes.....\$18.00**

**151 to 300 amperes.....\$20.00**

**301 to 400 amperes.....\$25.00**

**401 amperes and over.....\$30.00**

**MAIN LINE SERVICE SWITCHES FOR LIGHT, HEAT, OR POWER\***

**100 amperes and under.....\$8.00**

**200 ampere switch.....\$10.00**

**400 ampere switch.....\$12.00**

**600 ampere switch.....\$16.00**

**800 ampere switch.....\$20.00**

**1200 ampere switch.....\$25.00**

**2000 and over ampere switch.....\$33.00**

\*Fees for switches shall include only Main Line Service Entrance  
Switches and Switches for Sub-Feeder Panels.

**WIRING FOR AND/OR INSTALLATION OF MOTORS, GENERATORS,  
TRANSFORMERS, CAPACITORS, DIMMERS, ETC.**

**MOTOR**

**Up to 5 H.P.....\$8.00**

**Above 5 H.P. to 25 H.P .....\$12.00**

Above 25 H.P.....\$16.00

**GENERATORS**

Up to 10 KW.....8.00

Above 10 to 25 KW.....\$12.00

Above 25 to 50 KW.....\$16.00

Above 50 KW.....\$30.00

**TRANSFORMERS**

Up to 5 KVA.....\$8.00

Above 6 to 50 KVA.....\$12.00

Above 50 KVA.....\$16.00

**CAPACITORS**

Up to 10 KVAR.....\$8.00

Above 10 to 25 KVAR.....\$12.00

Above 25 KVAR.....\$16.00

**DIMMERS ABOVE 1000 WATTS**

1000 to 5000 Watts.....\$8.00

Above 5000 Watts.....\$12.00

**WIRING FOR AND/OR INSTALLATION OF FUEL DISPENSING UNITS:**

1 unit (new or renewal) per hose.....\$15.00

**SIGNS**

Signs (each).....\$12.00

**WIRING FOR AND/OR INSTALLATION OF HEATING APPLIANCES,  
RANGES, OVENS, COOKTOPS, DRYERS AND WATER HEATERS**

Units of 20 AMPS or less.....\$8.00

Units over 20 AMPS.....\$13.00

**WIRING FOR AND/OR INSTALLATION OF SPACE HEATING**

(This to include only room and building heating. Units shall consist of a room or group of rooms, in one building, intended for the occupancy by a single family group, or by a person or group of persons comprising a single business or association.)

Units of 4000 watts or less.....\$8.00

Units of over 4000 watts but not over 10,000 watts.....\$11.00

Units of over 10,000 watts but not over 20,000 watts.....\$13.00

Units of over 20,000 watts but not over 40,000 watts.....\$15.00

Units of over 40,000 watts but not over 60,000 watts.....\$17.00

Units of over 60,000 watts but not over 80,000 watts.....\$19.00

Units over 80,000 watts.....\$28.00

## **OTHER PERMITS AND FEES**

**Inspection for Reconnection of existing service** ..... \$30.00

### **Manufactured Buildings:**

The fee for the installation of manufactured buildings shall be the total amount of all electrical equipment installed per the fee schedule. (There shall be no additional inspections of non-altered state approved buildings except to determine the fee due).

## **MECHANICAL PERMIT FEES - Article III**

The permit fee will be based on the valuation of the work to be completed at a rate of \$2.50 per \$1000 valuation with a minimum fee ..... \$25.00

## **ELEVATOR PERMIT FEES - Article III**

**New installations** .....Per State Regulations

.

**Erection of Personnel Hoists** .....\$75.00

**Reinspection of Personnel Hoist** .....\$75.00

## **ARTICLE IV**

### **FIRE CODE AND LIFE SAFETY CODE**

The provisions of the **International Fire Code, 2003** Edition published by the **International Code Council** and specific sections of the **NFPA 101-Life Safety Code, 2003 Edition**, as described in Article II of this Code, published by the National Fire Protection Association, as amended herein shall apply to all buildings, structures, vehicles, premises, conditions, the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures.



## INTERNATIONAL FIRE CODE AMENDMENTS

### Chapter 1

Is hereby deleted and is substituted with Article I, Part Two of this code, and the following sections:

#### **F101 – GENERAL**

**F101.1 Scope.** This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.

**F101.2 Intent.** The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

**F101.3 Inspection authority.** The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises for the purpose of enforcing this code.

**F101.4 Inspections.** The fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

#### **F102- MAINTENANCE**

**F102.1 Maintenance of safeguards.** Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

**F102.2 Testing and operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this

**F102.2.1 Test and inspection records.** Required test and inspection records shall be available to the fire code official at all times or such records as the fire code official designates shall be filed with the fire code official.

**F102.2.2 Re-inspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for inspection and testing.

**F102.3 Supervision.** Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

**F102.4 Rendering equipment inoperable.** Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

**F102.5 Owner/occupant responsibility.** Correction and abatement of violations of this code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

**F102.6 Overcrowding.** Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

## **F103 PERMITS**

A person, firm or corporation shall not maintain, store or handle materials, or conduct processes which produce conditions hazardous to life or property, or install equipment used in connection with such activities without first obtaining a permit from the Fire Official, this includes, but not limited to the utilization of fireworks, pyrotechnics, open flames, gas, flammable liquids or other products that produce open flames (“regulated materials”).

A person, firm or corporation shall not install, alter, or remove a fire protection system in the City of Birmingham, or cause the same to be done, without first obtaining a permit

from the Building or Fire Official. (See Article I, Part Two, Section 103, Construction Permits)

### **F103.1 Scope**

**F103.1.1** A permit shall constitute permission to maintain store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities.

**F103.1.2** Such permit shall not be a substitute for any license required by law. A fire code permit issued shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code, nor shall such issuance of a life safety permit prevent the Fire Official from thereafter requiring a correction of violations of this code. Every fire code permit issued shall become invalid unless the use authorized by such fire code permit is commenced within six months after its issuance, or if the use authorized by such life safety permit is suspended or abandoned for a period of six months after the time the use is commenced.

**F103.1.3** A permit shall not be transferable and any change in use or occupancy of a building or premises shall require a new permit. A permit shall continue until revoked or for such a period of time as designated at time of issuance.

**F103.1.4** A permit shall be obtained for all conditions described in this code.

### **F103.2 Conditions of Permits**

**F103.2.1** The Fire Official shall act upon an application for permit without unreasonable delay and when issued such permit shall remain on the premises designated therein and shall at all times be subject to inspection.

**F103.2.2** Whenever the provision of this code requires more than one permit for the same establishment or location, such permits may be combined into a single permit, but each provision shall be listed in the permit.

### **F103.3 Compliance with Permit**

All permits issued under this code shall require that the applicant, his agents and employees shall carry out the proposed activity in compliance with all the requirements of this code and any other laws or regulations applicable thereto, whether specified in the permit or not in complete accordance with the approved plan and application.

### **F103.4 Revocation of Permit**

The Fire Official may revoke a permit issued under this code when it is found by inspection or otherwise that any one of the following conditions exist:

1. The permit is used for a location of establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit
3. Conditions and limitations set forth in the permit have been violated
4. There have been any false statements or misrepresentation as to a material fact in the application for the permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm other than the name for which it was issued.

## **F104 FEES**

### **F104.1 Schedule of Permit Fees**

A permit fee shall be paid for all permits as required in Section 102, in accordance with the schedule as established in this code.

### **F104.2 Fees for Hydrant Flow Tests**

A permit fee shall be paid for a hydrant flow test requested by any person, firm or corporation.

### **F104.3 Permit Application and Fees**

Applications and fees for permits and inspections (excluding construction permits and construction inspections) required by Article IV of this code shall be obtained at the Fire Prevention Division office of the Birmingham Fire and Rescue Service Department. The application must be accompanied by payment of the required compensation set forth herein prior to the issuance of a permit.

## **F105 PERMITS BY USE**

Permit type code is shown in parenthesis

### **Fire Code-Hazardous Material Permit (HM)**

A permit of Type FC shall be required to be obtained for conditions meeting *this section* relating to hazardous materials, combustible fibers, flammable and combustible liquids, compressed gases, and explosive materials.

### **Hazardous Chemicals**

No person, firm, or corporation shall store, dispense, use or handle hazardous materials in excess of those quantities specified in Table A unless a valid permit has been issued. No person, firm, or corporation shall abandon, remove, place temporarily out of service, close or substantially modify a storage or processing facility, or other area regulated by this code until a permit has been issued by the Fire Official.

A permit shall be obtained from the Fire Official for the storage, dispensing, use, or handling of hazardous materials in excess of those quantities listed in Table A.

A permit shall be required to store, handle, or use hazardous production materials as regulated by **2003 Edition of the International Fire Code**.

**TABLE A** Permit Exempt Quantities for Hazardous Chemical<sup>1</sup>

Material/Condition	Solid (lb)	Liquid (gal)	Gas (cu ft)
Corrosive	1000	55	0
Flammable solid	100	n/a	n/a
Highly Toxic	0	0	0
Irritant	1000	100	0
Other Health hazards	55	55	0
Organic Peroxide			
Unclassified	0	0	n/a
Detonable			
Class I	0	0	n/a
Class II	0	0	n/a
Class III	10	1	n/a
Class IV	20	2	n/a
Oxidizer			
Class 4	0	0	n/a
Class 3	50	1	n/a
Class 2	100	10	n/a
Class 1	500	55	n/a
Oxidizer Gas			
Gaseous	n/a	n/a	500
Liquefied	n/a	50	n/a
Pyrophoric	0	0	0

Radioactive <sup>2</sup>	Note 3	Note 3	Note 3
Sensitizer	1000	100	0
Toxic	100	10	0

Table A Permit Exempt Quantities for Hazardous Chemical  
(Continued)

Material/Condition	Solid (lb)	Liquid (gal)	Gas (cu ft)
Unstable Reactive			
Class 4	0	0	0
Class 3	0	0	0
Class 2	50	5	0
Class 1	100	10	0
Water Reactive			
Class 3	0	0	n/a
Class 2	50	5	n/a
Class 1	500	55	n/a

Notes:

n/a not applicable

1 A zero indicates any amount of material requires a permit

2 Licensed, sealed sources in instruments, calibration devices and equipment shall be exempted.

3 Any amount for which a license is required from the Nuclear Regulatory Commission

### Combustible Fibers

Storing or handling combustible fibers in quantities in excess of 100 cu ft shall require a permit.

### Flammable and Combustible Liquids

A permit shall be required for the storage, handling, or use of Class I liquids in excess of 60 gallons, and of Class II or III liquids in excess of 120 gallons.

For the storage of flammable or combustible liquids in stationary tanks, see Permit Type FF.

## Compressed Gases

A permit shall be required for the storage, handling, or use at normal temperature and pressure of more than 2,000 cu ft of flammable compressed gas or 6,000 cu ft of nonflammable compressed gas.

Explosive materials

Permits shall be obtained for the following:

1. To manufacture, possess, store, sell or otherwise dispose of explosive materials.
2. To transport explosive materials.
3. To use explosive materials.
4. To operate a terminal for handling explosive materials.

Permits for the following materials shall be invalidated and the materials disposed of in an approved, safe manner:

1. Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.
2. Nitrocellulose in a dry and uncompressed condition in quantity greater than 10 lb net weight in one package.
3. Fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.
4. Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products of their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167° F (75° C).
5. New explosive materials until approved by DOT, except that permits may be issued to educational, governmental, or industrial laboratories for instructional or research purposes.
6. Explosive materials condemned by DOT.
7. Explosive materials containing an ammonium salt and a chlorate.

Prohibitions:

1. No person shall keep or store, nor shall any permit be issued to keep or store, any explosives at any place of habitation, or within 100 feet thereof.
2. No person, possessing a permit for storage of explosives at any place, shall keep or store an amount greater than authorized in such permit. Only the kind of explosive specified on such permit shall be kept or stored.

The Fire Official may require that any operations permitted under this section be inspected at any time by employees of the Fire Official, to see that all safety and fire regulations are observed.

## **Demonstrations, Special Events and Exhibits**

A permit is required for a person to organize or hold, assist in organizing or holding or to take part in or participate in any public demonstration, special event, exhibit, or other activity that utilizes or allows to be utilized any “**regulated material**” listed as follows: Class B or Class C explosives or fireworks, candles, open flames, gas, flammable liquids or other products that produce open flames.

1. A permit must be obtained a minimum of seven (7) days prior to the use of any regulated materials listed in this section.
2. Events utilizing “regulated material” shall require the on-site presence of fire inspectors.
3. All cooking booths, conventions, exhibits, demonstrations, or special events shall be inspected by the Fire Official to verify compliance with this code.

## **Fireworks, Pyrotechnics, Special Effects Permit (FW)**

A permit is required for all fireworks, pyrotechnics, open flames or special effects displays within the City of Birmingham.

## **Fire Bonfire Permit (FB)**

No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained without a permit. Bonfires under this permit shall be an open fire for ceremonial purposes only.

## **Fire Hydrant Use Permission (FH)**

Written permission (permit) to use a fire hydrant must be obtained from the Fire Official, which is a prerequisite to obtaining a permit from Birmingham Water Works.

## **Chapter 5**

Add the following sub-sections to Section **508** (pg. **41**):

- **F508.5.7** When the construction of a new subdivision, industrial or commercial complex, or other new construction makes the installation of public fire hydrants necessary to meet adequate fire protection



requirements, as determined by the Fire Official, the city may assess the actual cost of such installations, including the first three years rental fees, to the individual or entity responsible for the new construction. The said installation fee shall be paid directly to the Water Authority governing the area of construction. The rental fees shall be paid directly to the City of Birmingham.

## Chapter 9

Replace sub-section 901.4.4 (pg. 61) with the following:

**F901.4.4 Appearance of equipment.** Any device that has the physical appearance of life safety or fire protection equipment but that does not perform that life safety or fire protection function shall be prohibited.

*Exception:* A property owner and/or occupant may request that a system be removed or vacated. This request could be based on a change in the use of a building that the installed system is no longer a requirement according to the City Adopted Codes such as: (1) a complete change of occupancy; (2) the fire hazard has been reduced; or (3) the life safety hazard has changed. This could also apply to older buildings where the system is dilapidated and never maintained in an operable condition. The Fire Official has the authority to approve or disapprove such vacations.

Add the following sub-section to Section 903 (pg. 64)

**F903.5.3 Emergency/stand by power supply for fire pumps.** All electric fire pumps shall be required to be connected to a generator. The architect or owner can seek a variance from this requirement if he/she can show that they can meet the following requirements for reliable power:

- a) infrequent power disruptions from environmental or man-made conditions
- b) grid system or area network where redundancy is provided
- c) no overhead line distribution
- d) service and feeder conductors either buried under 2 inches of concrete or encased in 2 inches of concrete or brick within a building
- e) a separate service connection or connection to the supply side of the service disconnect.

Where multiple electric power sources are provided, they shall be arranged so that a fire, structural failure, or operational accident that interrupts one source will not cause an interruption of the other source.

- **F907.3.1.9 Group A.** A manual fire alarm system shall be installed in accordance with NFPA 72 in all existing Group A occupancies with an occupant load of 300 or more. Portions of Group E occupancies

occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

- **Exception 1:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system and the alarm notification appliances will activate upon sprinkler water flow.
  - **Exception 2:** Group A occupancies used primarily for worship with an occupant load of 999 or less shall not be required to comply with this section.
- **F907.3.1.9 (a) System initiation in Group A occupancies with an occupant load of 1,000 or more.** Activation of the fire alarm in existing Group A occupancies with an occupant load of 1,000 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with NFPA 72.
  - **Exception:** Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended location.
- **907.3.1.9(b) Emergency power.** Emergency voice/alarm communications systems shall be provided with an approved emergency power source.
- **F907.3.1.10** A fire alarm system in accordance with NFPA 72 that complies with section F907.3.1.9 (a) and (b) shall be installed in existing Group A occupancies used primarily for worship with an occupant load of 1000 or more.

## **APPENDIX C**

Appendix C is adopted in its entirety.

## **APPENDIX D**

Appendix D is adopted herein with the exception of reference to the 70-foot cul-de-sac.

## **APPENDIX E**

Appendix E is adopted in its entirety.

## **APPENDIX F**

Appendix F is adopted in its entirety.

## APPENDIX G

Appendix G is adopted in its entirety.

### DEFINITIONS

**Fire Safety:** Those services rendered for the provision of fire protection and fire prevention including fire and rescue service and fire inspection services.

**Hazardous Materials:** Those chemicals or substances which are physical hazards or health hazards as defined and classified in Chapter 28, International Fire Code, 2000 Edition, whether the materials are in usable or waste condition.

**Hazardous Chemical:** An element, chemical compound or mixture of elements or compounds or both.

**Liquid:** A material having a melting point that is equal to or less than 68°F(20°C) and a boiling point which is greater than 68°F(20°C) at 14.7 psia (101 kPa). When not otherwise identified, the term “liquid” includes both flammable and combustible liquids.

**Solid:** A material that has a melting point and decomposes or sublimates at a temperature greater than 68°F(20°C).

**Corrosive:** A chemical that causes visible destruction of or irreversible alterations in, living tissue by chemical action at the point of contact.

**Flammable Solid:** A solid, other than a blasting agent or explosive, that is capable of causing fire through friction, absorption or moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which has an ignition temperature below 212°F(100°C) or which burns so vigorously and persistently when ignited as to create a serious hazard.

**Highly Toxic:** a material which produces a lethal dose or lethal concentration by inhalation, absorption or ingestion

**Irritant:** A chemical which is not corrosive, but which causes a reversible inflammatory effect on living tissue by chemical action at the site of contact.

**Organic Peroxide:** An organic compound that contains the bivalent-O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms have been replaced by an organic radical.

**Unclassified Detonable:** Organic peroxides that are capable of detonation. These peroxides pose an extremely high explosion hazard through rapid explosive decomposition.

**Oxidizer:** A material that readily yields oxygen or other oxidizing gas, or that readily reacts to promote or initiate combustion of combustible materials.

**Oxidizer Gas:** A gas that can support and accelerate combustion of other materials.

**Pyrophoric:** A chemical with an auto-ignition temperature in air, at or below a temperature of 13°F(-11°C).

**Radioactive:** any material or combination of materials that spontaneously emits ionizing radiation.

**Sensitizer:** a chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

**Unstable Reactive:** Those materials, other than explosives, which in the pure state or as commercially produced will vigorously polymerize, decompose, condense or become self-reactive and undergo other violent chemical changes, including explosion, when exposed to heat, friction or shock, or in the absence of an inhibitor or in the presence of contaminants or in contact with incompatible materials.

**Water Reactive:** materials which explode, violently react, produce flammable, toxic or other hazardous gases, or evolve enough heat to cause self-ignition of nearby combustible upon exposure to water or moisture.

**Combustible Fibers:** readily ignitable and free burning fibers, such as cotton, sisal, henequen, ixtle, jute, hemp, tow, cocoa fibers, oakum, rags, waste, cloth, wastepaper, kapok, hay, straw, Spanish moss, excelsior, and other like materials.

**Combustible Liquid:** a liquid having a flash point at or above 100°F(38°C). Subdivided into three classes; Class II, Class IIIA, and Class IIIB.

**Flammable Liquid:** a liquid having a flash point below 100°F(38°C) and having a vapor pressure not exceeding 40 psi (276 kPa) absolute at 100°F(38°C) shall be known as a Class I liquid. Class I liquids are subdivided in three categories, Class IA, IB and IC.

**Compressed Gas:** any mixture or material having in the container either an absolute pressure exceeding 40 psi (276 kPa) at 70°F (21°C), or an absolute pressure exceeding 104 psi (717 kPa) at 130°F (54°C), or both; or any liquid having a vapor pressure exceeding 40 psi (276 kPa) at 100°F (38°C) as determined by ASTM D323-82.

**Explosive:** any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and

combustible units or other ingredients in such proportions, quantities, or packing, that an ignition by fire, friction, concussion, percussion or detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects of destroying life and limb.

**Fireworks (Class B or C explosive):** Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation

**Pyrotechnic:** a chemical mixture that produces visible light displays or sounds through a self-propagating, heat-releasing chemical reaction, which is initiated by ignition

**Special Effects:** a visible or audible effect for entertainment created through the use of pyrotechnic material, fireworks, compressed gas, or any other similar material or devices.

**Bonfire:** an outdoor fire utilized for ceremonial purposes.

## **AMENDMENTS TO NFPA 101-LIFE SAFETY CODE**

**Operating Features for all New and Existing Occupancies are hereby adopted as per sec. 101.3.6 (b).**

**New and Existing Educational Occupancy requirements are hereby adopted as per sec. 101.3.6 (c).**

**New and Existing Day-care Occupancy requirements are hereby adopted as per sec. 101.3.6 (a).**

### **Chapter 24**

Delete Chapter **24** One- and Two- Family Dwellings in its entirety without substitution.

### **Tentative Interim Amendments**

The following Tentative Interim Amendments shall be used in their entirety for occupancies as referenced: TIA 03-1; TIA 03-2; TIA 03-3; TIA 03-4.

## **ARTICLE V**

### **FIRE PERMIT FEES**

Fire Hydrant Use Permit .....	<b>\$ 25.00</b>
Bonfires .....	<b>\$ 50.00</b>
Fireworks, Pyrotechnics, Special Effects Permit .....	<b>\$ 50.00</b>
Each additional day – same event .....	<b>\$ 10.00</b>
Hydrant flow tests .....	<b>\$ 50.00 per hydrant</b>
Flow Test Calculations .....	<b>\$ 50.00</b>
Fire Code-Hazardous Material Permit .....	<b>\$150.00</b>
Fuel tank removal (underground and aboveground) .....	<b>\$ 75.00 per tank</b>
<b>Weekend, and After Hours Inspections: .....</b>	<b>See Article III</b>

#### **Demonstrations , Special Events or Exhibit Inspections:**

\$200.00 shall be paid for the first four (4) hours or portion thereof, plus an additional \$50.00 for each additional hour or portion thereof thereafter, during the course of the public demonstration, special event or exhibit at which regulated materials are to be utilized. The length of time shall be determined based upon the length of the public event subject to this section at the time of the application.

#### **Re-Inspection Fees**

Existing Occupancies: whenever more than two (2) re-inspections are required to assure compliance with original fire inspection, a permit shall be required.....**\$50.00**  
New Construction and Permits issued under FS, FF, FA, FE or FI: re-inspection due to faulty materials, equipment, apparatus, or workmanship.....**See Article III**

#### **Records and Documents**

Copy of Records/Reports .....	<b>\$ 5.00 per copy</b>
Copy of Photos .....	<b>\$ 10.00 per photo</b>
Medical Records Retrieval .....	<b>\$ 5.00 per record</b>
• pages 1 through 25 .....	<b>\$1.00 per page</b>
• pages 26 and above .....	<b>\$ .50 per page</b>